University of California, Santa Barbara

Misa Kelly: Project Updates Presentation

Cal Caucus 2003 Conference
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Celebrating 30 Years of Ombudsing: Making our Practice Fit the Times
Asilomar Conference Grounds

Projects Launched in 2002:

OMBUDS ORAL HISTORY PROJECT

OMBUDS CASE STUDY PROJECT

OMBUDS PROFILE PROJECT

Projects Launched in 2003:

THE OMBUDSMAN'S READING AND RESOURCE ROOM

THE OMBUDSMAN'S ANNUAL REPORT PROJECT

THE OMBUDS ARCHIVES

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OMBUDS ORAL HISTORY PROJECT

Director: Misa Kelly, Assistant Ombuds, UCSB

When I first began working for the ombuds office in 2000 I was struck by the fact that UCSB is the home campus of two distinguished ombuds pioneers: Stanley V. Anderson, Ombuds Scholar, Professor Emeritus; and Dr. Geoffrey Wallace, University Ombuds. I thought it important to preserve our history and pass it on to future generations of ombuds and ombuds scholars. I proposed the idea of using the videographic medium to capture the pearls of wisdom of our distinguished ombuds elders to Dr. Geoffrey Wallace. He loved the idea, suggested documenting Stanley V. Anderson first, which led to the creation of the Ombuds Oral History Project.

In the Spring of 2002 Ron Dexter and Sergei Onishenko volunteered their professional services enabling our office to produce our first Project. Dr. Geoffrey Wallace interviewed Stanley V. Anderson and answered the questions of ombuds Misa Kelly and Michael Chennault.

In the Fall of 2002 the work was presented at the annual Asilomar conference of the California Caucus of College and University Ombuds (CCCUO). Fifteen video copies were made available for ombuds to add to their office ombuds libraries. The work was very well received. In Spring of 2003 a call was sent out over various ombuds listservs announcing the availability of Stan V. Anderson videos. Approximately 15 ombuds requested copies of the Stanley V. Anderson oral history.

In Spring of 2003 Ron Dexter and Sergei Onishenko once again volunteered their professional services enabling our office to produce our second Project. Dr. Wallace interviewed Don Hartsock with his wife Jo present and answered questions posed by Misa Kelly. 15 videos are being made available at the 2003 Asilomar conference for ombuds to take back to their offices to add to their reading and resource libraries.

In summer of 2003 information pertaining to the Ombuds Oral History Project was released when the UCSB Ombuds Office's new website was released. The information can be viewed at the following address: http://www.sa.ucsb.edu/ombuds/officeprojects/OmbudsOralHistory.asp

In Spring of 2004 (or sooner) we hope to capture the Oral History of Ron Wilson.

THE CASE STUDY PROJECT

Director: Misa Kelly, Assistant Ombuds, UCSB

ABOUT THE PROJECT-PHASE I

The Case Study Project was launched in the spring of 2002 along with the Ombuds Profile Project. While the Ombuds Profile Project answers the question: Ombuds: who are they?; the Ombuds Case Study Project attempts to address the question; Ombuds: what do they do and how do they do it?

The idea for the Case Study Project sprang forth from an observation that while there is an abundance of case studies in the field of mediation being utilized for educational purposes, there is a scant supply in the field of campus ombudsing from which to learn. I found that while Canadian Campus Ombuds tend to include case studies within their annual reports, American Campus Ombuds do not. I imagine this is a matter of style as well as a matter of maintaining confidentiality: one of the fundamental building blocks of a campus ombuds practice.

In order to create a resource that would inform ombuds educational processes I decided to gather a collection of case studies that would illustrate through articulation of process the work of the ombuds in an academic setting. I was greatly encouraged by a question posed by UCSB ombuds scholar Stan Anderson in his article "Ombudscholars".

Anderson asks:

"How can Campus Ombuds offices utilize their experience to educate one another and to inspire education?"

He answers his own question with the following:

"One way would be to provide reports of actual cases (redacted for confidentiality)."

In spring of 2002 a call for case studies along with the Ombuds Profile Questionnaire were sent to 103 campus ombuds in the United States, Canada, and Australia (65 women, 32 men, 6 to "ombuds offices" without ombuds listed). Of the 103 ombuds, 39 ombuds expressed a desire to participate (26 women, 16 men). Each ombuds was asked to contribute three case studies.

In order to accommodate ombuds busy schedules no deadline was imposed for receiving materials. To date I have received 66 cases from four ombuds (3 men, one woman).

The Case Study Project was presented at the November 2002 *CCCUO Annual Conference, Asilomar Conference Grounds THE RIGHT STUFF: the Habit, Heart and Science of Ombudsing.* The work was very well received by the campus ombuds community. At this time the following Ombuds had contributed case studies to the project:

- Frances Bauer
- Jack Kelso
- Richard A. Russell

(submitted by Shelley Lancaster)

- Robert Shelton

ABOUT THE PROJECT-PHASE II

In the Spring of 2003 Ombuds Ingrid Gadway Clarke and Tuesday Hambric contributed case studies to the project (Appendix A).

In order to make the work more readily accessible to the greater ombuds community, and as a next step for the research process, the Case Study Project was incorporated into the UCSB Ombuds Office's new website (http://www.sa.ucsb.edu/ombuds/officeprojects/OmbudsCaseStudyProject.asp)

The information is organized as follows:

- ABOUT THE PROJECT PHASE I
- ABOUT THE PROJECT PHASE II
- HOW TO PARTICIPATE
- WRITING A CASE STUDY
- THE CASE STUDY PROJECT: CCCUO 2002 Presentation Paper
- CASE STUDY LIBRARY
  - CAMPUS OMBUDS CASE STUDIES
  - Frances Bauer
  - Jack Kelso
  - Richard A. Russell
  - (submitted by Shelley Lancaster)
  - Robert Shelton
  - Ingrid Gadway Clarke
  - Tuesday Hambric

Plans for the future for the Case Study Project include continuing to gather case studies written by campus ombuds. In addition, the case study library will expand to include cases representative of the gamut institutions in which the ombuds concept is being utilized.

Following is a list of "institutional types" one encounters on the internet that illustrate the gamut of "types" of institutions from which I hope to gather case studies.

- Air Canada Ombudsmen
- Banking Ombudsmen
- Bankruptcy Ombudsmen
- Building Societies Ombudsmen
- Canada Post Ombudsmen
- Children's Ombudsmen
- Consumer Ombudsmen
- Commonwealth Ombudsmen
- Corporate Ombudsmen
- Correctional Ombudsmen
- Crime Victims Ombudsmen
- DMB industry Ombudsmen
- Elder Ombudsmen
- Electricity Ombudsmen
- Environmental Ombudsmen
- Estates Agents Ombudsmen
- Equity Ombudsmen
- Funeral Ombudsmen
- Gay and Lesbian ombudsmen
- Government Ombudsmen (classical/legislative, executive, municipal, federal, specialty, other)
- Health Care Ombudsmen
- Humanitarian Ombudsmen
- Injured Workers Ombudsmen
- Insurance Ombudsmen
- Investment Ombudsmen
- Junior College Ombudsmen
- Legal Services Ombudsmen
- Long Term Care Ombudsman
- Mental Health Ombudsmen
- Mining Ombudsman
- Military Ombudsmen
- Minority Business Ombudsmen
- National Aetheist Ombudsmen
- Navy Ombudsmen
- Newspaper Ombudsmen
- Nursing Home Ombudsmen
- Obscenity and Pornography Complaints Ombudsmen
- Police Ombudsmen
- Pensions Ombudsmen
- Prison Ombudsman
  Prison Ombudsman Annual Report
- Public Broadcaster Ombudsman
- Retail Grocery Ombudsmen
- Small Business Ombudsmen
- Telecommunications Ombudsmen
- University, College, Junior College, and Campus Ombudsmen

THE OMBUDS PROFILE PROJECT: OMBUDS, WHO ARE THEY?

Director: Misa Kelly, Assistant Ombuds, UCSB

ABOUT THE PROJECT-PHASE I

Spring 2003

The idea for the Ombuds Profile Project was developed in tandem with the Case Study Project. While the Case Study Project addresses the question; campus ombuds: what do they do and how do they do it?; the Ombuds Profile Project addresses the simple question; campus ombuds: who are they?". The following questions were devised to help paint a portrait of who campus ombuds are: as a collective, and as individuals.

Questions

- How did you come to be an ombuds?
- What is your educational background?
- How many years have you worked as an ombuds?
- Which community do you serve and how large is it? (Staff, Faculty, Student, other)

- When was your office established and how did it come into existence?
- Which office do you answer to?
- What is your greatest accomplishment?
- Do you have a vision for the future of ombuds?
- What education/events/readings have helped to shape your practice?
- What do you find rewarding about the work?
- What is the single most important tool that you utilize in your work?

In the spring of 2002 questionnaires were sent out with a call for case studies to 103 campus ombuds in the United States, Canada, and Australia (65 women, 32 men, 6 to "ombuds offices" without ombuds listed). Of the 103 ombuds, 39 ombuds expressed a desire to participate (26 women, 16 men). I received eleven responses to the questionnaire (6 women, 5 men). The information has been organized in three ways:

1) arranged as a campus ombuds composite derived from blended responses;
2) arranged by question;
3) arranged by ombuds, in alphabetical order, to articulate individual responses providing a sense of who campus ombuds are as individuals.

Fall 2003

The Ombuds Profile Project was presented at the November 2002 CCCUO Annual Conference, Asilomar Conference Grounds THE RIGHT STUFF: the Habit, Heart and Science of Ombudsing. The work was very well received by the campus ombuds community.

In Fall of 2003 the questionnaire was expanded and sent out through the United States Ombudsman Association listserv, as well as Ombuds Mary Rowe of MIT's listserv. Following are the questions that were asked of ombuds working in various ombuds sectors (government, corporate, higher education). Ombuds were asked to answer the questions that they felt appropriate given the nature of their work (**Appendix B**). Nine Ombuds responded. The raw data is contained within **Appendix C** and has yet to be organized.

Summer 2003

In summer of 2003 the UCSB Ombuds new website was released. Information pertaining to the ombuds profile project was also released.
http://www.sa.ucsb.edu/ombuds/officeprojects/OmbudsProfileProject.asp

William C. Warters, Ph.D. inquired about the feasiblity of publishing an article in the Conflict Management in Higher Education report that shares the Composite Ombuds Profile created in 2003 along with information pertaining to the UCSB Ombud's new ombuds educational resources. Of course, I said yes. The article is published online at:

http://www.campus-adr.org/CMHER/ReportArticles/Edition4_1/kelly4_1a.html

THE OMBUDSMAN'S READING AND RESOURCE ROOM

After going through the process of establishing a theoretical base for my practice I vowed to make the process easier for the next new ombuds in the community by gathering existing information pertaining to ombudsing and gathering it into a single virtual space. For myself, finding time to get to the library to check out books, or finding time to read at home was a hair short of impossible. I found that it was much easier to conduct ombuds research and read during down times in the office. I found that websites were a wonderful source of information and decided to rebuild our own site to piece together the bits of information I thought would be helpful to other ombuds. The work, in part, was inspired by the work of William Warters, and his virtual library of "Fulltext Articles on Campus Conflict Resolution Issues" located at the following website address:
http://www.campus-adr.org/Main_Library/fulltextarticles.html

The Ombudsman's Reading and Resource Room is located at the following address:
http://www.sa.ucsb.edu/ombuds/ResourcesWeblinks/Reading&ResourceRoom/index.asp

The Ombudsman's Reading and Resource Room, in hardcopy form, is presented in **Appendix D**

THE OMBUDSMAN'S ANNUAL REPORT PROJECT

Director: Misa Kelly

This project was created as an educational resource to the greater ombuds community and is presently under development. The project has been posted to the UCSB Ombuds website at the following website address: http://www.sa.ucsb.edu/ombuds/officeprojects/AnnualReportProject.asp

THE OMBUDS ARCHIVES

Director: Misa Kelly

The Ombuds Archives carries on in the spirit of Stanley V. Anderson. Over a period of 10-15 years Anderson collected 1,200 works on ombudsing which are housed in our office as part of the Stanley V. Anderson Library (http://www.sa.ucsb.edu/ombuds/svasearch.htm).

Our intent is to pick up where Anderson left off and continue to archive ombuds related works in both hard copy and electronic format.

If you have written articles/dissertations/books that you would like to be archived within our Ombuds Library, or, have suggestions with regard to what ought be contained within the collection, please contact our office.

Electronic Format
In addition to collecting items in hard copy format, our office has created an Ombuds Reading & Resource Library. Items within this resource will be downloaded and saved into Microsoft word documents to assure preservation of the work.

This project is currently under construction. If you have any links you'd like to see added please email the link to Misa Kelly at kelly-m@sa.ucsb.edu

APPENDIX A

NEW CASE STUDY CONTRIBUTIONS TO THE CASE STUDY PROJECT

TUESDAY HAMBRIC
INGRID GADWAY CLARKE

TUESDAY HAMBRIC

Issues, Emotions, and an Ongoing Relationship

Joe Blow met with the hiring authority#2 of ABC, in a private meeting, where he was denied the position of Manager. During that same meeting, Joe was invited to remain in his current position as the assistant to the manager. Joe accepted the offer.

Samuel Doe is on the telephone with the hiring authority#2 of ABC. He has been extended an invitation to join the ABC Company as the Department 's Manager. During this same conversation, Samuel is warned that the Assistant Manager applied for the same position and was denied. Jim accepts the offer.

Joe Blow meets with Samuel Doe and during that meeting, Joe finds that Samuel has no supervisory experience. Later that same day, the hiring authority #2 decides that Joe will train Samuel on the office functions. Conflict broke out and Joe was referred to the Ombuds Office, by one of the department personnel, in front of Samuel.

<u>*Additional Information:</u>

Employee to Employee dispute-Employee Relations

Joe	*Samuel*		*Hiring Authority#2*
Race	*W*	*W*	*W*
Age	*45*	*47*	*46*
Gender	*M*	*M*	*M*
Disposition	*Confused*	*Bewildered*	*Tired*
	Angry	*Angry*	*Angry*
	Hurt	*Concerned*	*Reserved*
	Non-Trusting	*Non-Trusting*	*Cunning*
	Betrayed	*Reserved Cooperation*	*Reserved Cooperation*
	Uncooperative	*Unprepared*	
	Scared	*Scared-Threatened*	

The hiring authority#1 hired Joe under his term. Hiring authority #1 retired then hiring authority # 2 was employed. The hiring panel headed by hiring authority #2 was made up of four employees within the department and one employee outside of the department.

Presenting Problem by the visitor (Joe):
I'm being sabotage because the old hiring authority #1 hired me. I asked him if he was experienced in our line of work, and he told me no. I asked hiring authority #2, why I was not hired for the manager position, and he told me Samuel is more qualified.

I am being asked to train Samuel, the new manger, because he is not qualified. Samuel treats me like crap, and I don't like it.

I have been working here for eight months. I have a letter of recommendation from hiring authority #1, and great compliments from hiring authority #2 on previous occasions. I heard that Samuel and hiring authority were good friends.

Impressions of the Initial Interview:
Ongoing relationship
Unprocessed emotions
Ineffective communication
Lack of trust
Three part conflict **1)** Hiring process (Needs exploring) **2)** Joe & Samuel **3)** Joe and Hiring Authority #2

Guidance given During the Initial Interview:
Self-exploration of the hiring process and bring feedback
Visitor to focus on self
Asked for specific issues to be resolved
Informed visitor that things would be explored

Policy, Rules and Regulations Involved:
Hiring policy
Employee conduct booklet

Steps Taken by the Visitor (Joe):
Went to HR about the hiring process
Took time to reflect on the situations
Itemized a "I want list"
Re-itemizes a "I want list" after reflection and developed a "I need list"
Accepted the notion that commitment and time would be needed for a resolution

Steps Taken by the Ombudsperson:
Researched the hiring process online compared information (To develop trust between the Ombuds and the visitor)
Informed the visitor (Joe, Samuel, & Hiring Authority #2) that time would be needed for a resolution
Directed the visitor to journal (Helps to release anger and frustration. Also serves to help the visitor clarify his/her thoughts)
Redirected the visitor's thoughts to see thing from the (possible) perspective of all other parties involved
Directed the visitor to develop a "I want list" and then later refocused that list to develop a "I need list"
Discussed employee conduct dos and don'ts
Initiated contact with hiring authority #2 (w/permission)
Initiated contact with Samuel (w/permission)
Directed Samuel to reflect, journal, and process (The same as the original visitor, Joe)

Later Developments and Curveballs:
Samuel reveals that has never supervised before. He feels that Joe is an efficient worker, but lacks pleasantry less than experienced in the area hired
Thinks he was hired because of his personality (Mr. Rogers)
Hiring authority #2 says the hiring process was objective (The numbers checked out)
Hiring authority #2 says that Samuel was hired mainly because of his qualifications (Owned his own business)
Joe, no longer concerned with the hiring process
The ABC Company predicts a "reorganization" in the near future (Timing vague)

Newly Discovered Information:
Samuel admits to having control issues
Samuel admits that pride sparked one of the major conflicts
Joe admits to projected anger
Both parties and willing (reserved) to make an attempt to mend the work atmosphere

Underlying Goals/Principles/Objectives:
To keep the conflict separate (Joe & Samuel) and (Joe & Hiring Authority #2) Resolve them individually
(The thought here is to change the perception that the manager and the hiring authority is working together sabotage Joe)
Thought-processing by both Samuel and Joe (individually), through conflict analysis by the Ombudsperson
Restore some trust
Mend the relationship
Create a work friendly environment
To teach effective communication (Independent of the Ombuds Office)

Nuances/Subtleties/Tricky Maneuvers:
Keeping each party focused on themselves
Leaking compliments (In a general form)

INGRID GADWAY CLARKE

The Following is an excerpt from Ingrid Gadway Clarke's doctoral dissertation: The University Ombudsman: 100 cases (1986). She has graciously agreed to share the information with the ombuds community. Ms. Clarke expresses (January 2003) "One should bear in mind that the cases are now almost 25 years old and the world has changed a lot. They may very well be dated."

Thank you Ingrid!

Chapter IV

THE DAILY WORK OF THE CAMPUS OMBUDSMAN

Introduction

The purpose of this chapter is to present 100 illustrative cases which constitute a cross section of problems that were addressed to the Southern Illinois University Ombudsman Office between July, 1979, and June, 1982. These cases will serve as the basis for discussion in Chapter V. Each of the cases introduces a different issue; but, for the purpose of clarity, they were subdivided into the following major categories with subdivisions (parentheses indicate case numbers):

1. Financial Problems
   - 1.1 Tuition and Fees (1-5)
   - 1.2 Loans, Grants, and Miscellaneous Financial Aid (6-11)
   - 1.3 Bursar and Other Agencies (12-16)
   - 1.4 Powers of Attorney (17-20)
   - 1.5 Parking Tickets (21-23)
   - 1.6 Health Care (24-26)
   - 1.7 Social Work Cases (27-30)
2. Housing Problems
   - 2.1 Contract Acquisition (31-33)
   - 2.2 Delinquent Rent Payments (34-37)
   - 2.3 Release from Contract (38-41)
   - 2.4 Liability for Damages (42-45)
   - 2.5 In Loco Parentis (46-49)
   - 2.6 Student Misconduct (50-52)
3. Academic Problems
   - 3.1 Registration and Academic Records (53-56)
   - 3.2 Students and Professors (57-61)
   - 3.3 Administrative Appeals: Grades and Requirements (62-66)
   - 3.4 Administrative Appeals: Suspension (67-69)
   - 3.5 Cheating (70-74)
   - 3.6 Student Grievances (75-78)
4. Miscellaneous
   - 4.1 Employment: Faculty Members (79-81)
   - 4.2 Employment: Staff (82-85)

4.3 Employment: Students (86-89)
4.4 Special Populations: Foreign Students (90-92)
4.5 Special Populations: Handicapped Students (93-95)
4.6 Student-versus-Student Problems (96-98)
4.7 Other (99-100)

To facilitate identification of categories and cases, the numbering system use identifies the major categories in the first digit, the subcategory in the second digit, and the case number in the third digit. Cases are numbered consecutively from 1 to 100 throughout the chapter.

The cases were abstracted from records of the SIUC Ombudsman Office. University offices and position incumbents were referred to by generic titles whenever possible.

1. Financial Problems
1.1. Tuition and Fees

1.1.1. This student had filed an application for tuition and fees benefits under the Children of Policemen/Firemen killed in the Line of Duty Program; however, she filed it too late, so that the funding for the fiscal year had already lapsed. The program is administered by the Illinois Sate Scholarship Commission (ISSC).

The ombudsman (referred to subsequently as "OM") helped the student prepare and submit a complaint to the State Court of Claims, along with the verification of the amount to which she was entitled, which was provided by the financial aid officer. ISSC did not contest the claim, and the student was eventually paid the tuition and fees money for which she had been eligible.

1.1.2. A graduate student was contesting the bursar's processing charge for a check he had submitted which was returned due to insufficient funds in his bank account. The check was for tuition and fees for off-campus field work which he was doing in another state. The tuition due had originally been calculated on the basis of on-campus attendance, but the course classification had been changed to the lower off-campus rate after the date of the original billing to the students registered for the course. The student in question had been misinformed by others in the same class that they had received their checks back in the mail because they had overpaid by $94.82. Acting on this information, the students had removed the funds which would have covered his check to an interest-bearing account since he expected his check to be returned to him.

It was later discovered by the OM that the student had acted on inaccurate information. No checks had actually been returned by the University; only credit card sales drafts had been sent to students because the bursar did not want to issue cash refunds to those students who had used credit cards, thereby extending loans to them in effect. Students who had paid by check had been sent refund checks for the amount of overpayment. Thus, the bursar's charge for the "bounced" check was valid.

1.1.3. A students $1,056 tuition debt had been turned over to a collection agency which had demanded payment by the following Wednesday. The debt was for tuition from two semesters before at an off-campus military program sponsored by SIUC.

Upon checking with appropriate personnel, the OM learned that the student had not responded to University bills during the seven and a half months between the original billing and the time his debt was turned over to the collection agency. Had the student responded to these bills, a less demanding payment schedule could probably have been worked out. Eighty such letters had been sent to SIUC-affiliated servicemen.

There was no irregularity in the procedure, and the student was so informed by the OM. He intended to contact the collection agency to work out a payment schedule with it.

1.1.4. An undergraduate who had signed up for a travel/study program sponsored by an agency of the University later withdrew from the program and was not given a refund of his $250 deposit. He claimed that the course instructor had informed potential participants that the deposit was refundable prior to February 1. After encountering other financial difficulties, the student decided to withdraw from the course before the specified date, whereupon the sponsoring agency refused to refund his deposit even though it had already refunded $200 of another students' deposit.

The OM contacted the coordinator of the campus agency which made the travel arrangements and subsequently scheduled a meeting with both the coordinator and the teacher. In the meeting, the instructor contested the student's allegation that he had said deposits were refundable. The OM asked why no written agreements had been signed when the deposits were collected and was told the contract forms then had been in a state of revision and had been unavailable at the time. The coordinator agreed to give a refund of the trip filled with participants, if the student could prove a change in his financial status between the date he enrolled and withdrew, or if he could find a replacement.

The OM then informed the student of the agency's stipulations and, since it was likely that the trip would fill, encouraged him to wait. On numerous occasions thereafter, the OM had difficulty reaching the coordinator by telephone but, after several weeks, was finally able to talk to him. Although two spaces on the trip were left unfilled, the agency agreed to refund $200 of the deposit. The OM contacted the student with this information; the student spoke to the coordinator and was satisfied with this compromise.

1.1.5. A student had been billed by the bursar for nine hours during the summer semester when the student's transcript showed her to have taken only six hours. The student had added and dropped classes during the semester, which would possibly explain the billing.

The OM checked with the student's adviser, who apparently had mistakenly authorized the student to register for a six-hour class which met for the full term. Both the adviser and the student had intended her registration to have been for a three-hour, half-term course, which was not scheduled to begin until the middle of the term. The adviser had discovered his error four weeks into the term, too late for the student to drop the course and receive a refund. He had notified her of the error and authorized her to drop the course since it had been meeting for four weeks and

she never had attended it. Since courses to be dropped and courses to be added are presented for processing on the same form, the student, on her own, had added a three-hour section of the same course, which was to begin the following week, on the signed form her advisor have her authorizing her to drop the original course. The add/drop information was processed as a "program change," for which the student could not receive a refund based on her reduced total number of hours. However, the OM was informed by the records officer that a letter from the student's adviser describing the error made during her initial registration would be sufficient to reclassify the add/drop procedure as a "section change." The student would then be eligible for a refund of nearly $100.

Since the student had not been authorized by her adviser to add the new class, he refused to assist her in obtaining the reclassification of "section change." His decision was also shared by his superior who acted on the dean's behalf. The OM went to the associate director of records with the recommendation that billing for three hours of classes should deleted from the student's account. The OM was gratified that the associate director of records agreed to do this.

1.2 Loans, Grants, and Miscellaneous Financial Aid

1.2.6. A graduate student had recently become an in-state resident due to a recommendation by his department which supplied only in-state tuition waivers to its graduate assistants. Despite the lessened financial-aid need factor resulting from the reduction in his tuition and fees, he wanted to keep his out-of-state guaranteed loan at the old rate. The student also wanted assurance that Illinois residency would not make him ineligible for the loan from his home state.

The OM verified for the student through the financial aid officer that he had not lost eligibility for his guaranteed loan and that the amount for which he was eligible was determined by the student budget as established by SIUC. In his case, the new budget did not allow for much more money than the student would be receiving from his assistantship. The student was advised to submit an individualized request based on his actual needs, if these needs were indeed higher than anticipated in the financial aid budget. By doing this, the student could possibly receive special consideration.

1.2.7. A student had recently been contacted by a collection agent who rudely demanded total repayment of an Illinois Guaranteed Loan (IGL) the student had obtained in 1970. He had entered military service in 1971, at which point he had applied for and received a payment deferment. He was discharged in 1976 and reentered school in 1977. In 1978, he was surprised to receive a demand for repayment but complied since he was working as well as attending school. In 1979, he was hospitalized with a serious illness and forced to resign from his job. When the IGL officer called to inquire about his missed payments, the student explained his circumstances and was told not to worry about making payments for a while. The student received the payment demand from the collection agency shortly thereafter.

Upon contacting the IGL officer, the OM found that the account had been turned over to the collection agency for several reasons. The student's military payment

deferment had been good only for two years. When the student finally began repayment in 1978, he missed several payments; and some of his checks were returned for insufficient funds. However, the IGL officer agreed to recover the account from the collection agency if the student would pay the $180 in overdue payments immediately and agree to make regular payments thereafter. The OM instructed the student to contact the IGL officer immediately to make these arrangements.

1.2.8. A Carbondale community member had received demands for payment of her National Direct Student Loan (NDSL). She had borrowed $2,150 from another university five years before and had graduated the following year. For three years after that, she had worked in a private, federally funded Chicago school; she had tried to get a teacher's deferment but was refused. During much of this time, she had also attended night school and worked on her master's degree; she filled out papers for a deferment on those grounds, but the university continued billing her. Since leaving that job, she had made payments totaling $150 to the collection agency which was currently handling her account. She had made sporadic payments during the years before. The community member had received a final notice from the collection agency, followed by a demand letter from an attorney, six months after having begun to make regular payments on her loan. She wanted to know the following: (1) why they were suing her at this point, after she had begun to make regular payments, (2) why the amount the collection agency and the attorney listed as due was much higher than the amount she owed on her loan, (3) why the collection agency had not sent her an accounting of the charges as she had requested, (4) why her graduate study had not qualified her for a deferment, and (5) why she had been unable to get a deferment because of her teaching? The community member was planning a trip to city in which her former university was located and needed suggestions on what she could do about the situation.

The OM contacted SIU's NDSL officer and received answers to some of the questions. The community member was entitled to a statement of her account which could clarify the basis for the total charges of the collection agency. The NDSL officer speculated as to why the community member had been unable to obtain deferments but advised her to contact the NDSL officer at her former university and ask to see her file; it would show all payments made and the dates they were received. In addition, the NDSL officer would be able to explain why the community member had not been given her deferments and to correct any errors made in handling her account. The OM gave the community member the speculations of the NDSL officer about the deferment denials and his advice about what to do when she visited her former university.

1.2.9. This student was on financial aid suspension. During the last semester for which he was enrolled, he had withdrawn after an illness but at a much later date than the inception of his illness. He had postponed his withdrawal in order not to be forcer to repay his BEOG for the semester. The same thing had occurred in a previous semester. He now had low grades from two semesters on his record because he had not finished the courses.

The student had gained permission from his dean to reenter the University after suspension. However, he could only attend if he received financial aid. In order to be removed from financial aid suspension, he would need to pass seven hours. With that, he would be placed on probation status (18 credit hours below C).

The OM discussed details of the financial aid status requirements with a financial aid counselor. The OM then accompanied the student to the Social Security Office because there seemed to exist a possibility that the student might be eligible to receive either Social Security disability payments or supplemental Social Security payments. However, this proved to be an invalid assumption. His physician had recently confirmed, for purposes of unemployment insurance, that he was capable of working. The student could not be able to work and be permanently disabled at the same time.

The student was able to secure funding from the Department of Rehabilitative Services (DORS). Some confusion arose because of the financial aid suspension, but the DORS counselor clarified the problem. The University's financial aid counselor, to whom the student had spoken, was of the opinion that the financial aid suspension would not permit the student's funding from DORS. However, the agency asserted its right to fund the student despite his suspension. It was clarified that the suspension only applied to the state scholarship and federal grants. In the event that the student would not be able to obtain these, DORS promised to give him a slightly higher stipend. The agency stipulated also that the student would have to earn some money toward his support by working.

1.2.10. A student in a technical field had received a $50 scholarship award from a fraternity in the form of a check payable to a tool company. The student did not want tools but rather books, and he questioned the practice of restricting redemption of the check in this way. Apparently, the scholarships had been distributed through gift certificates at different stores in past years. The student went so far as to allege that the fraternity's faculty adviser might be receiving some form of gratuity from the tool company.

The OM learned from the faculty adviser that the scholarship money was provided by the fraternity and that its members had decided to distribute the awards through the merchant in question. The purpose was to ensure that the money would be spent in a manner connected to the student's academic pursuits. The faculty adviser was disappointed that this student felt the organization had acted improperly. The OM planned to forward this information to the student but received no further contact from him.

1.2.11. A wheelchair-bound student had arranged with a Department of Rehabilitative Services (DORS) counselor in his home town to receive benefits, including payment of tuition and fees, money for books and supplies, and a $200 per month housing and maintenance allowance. The student also received $360 per month in Social Security Disability Income (SSDI). He therefore made arrangements to live in Carbondale on a budget of $560 per month. Upon his arrival, however, he was informed by the DORS office of SIUC that he would not receive any monthly income from DORS since he was

receiving SSDI. The DORS office at SIUC had agreed with the DORS office in the student's home town to make this adjustment in recognition of their original error in granting the student a monthly allowance. With the OM's help, the student recalculated his expenses for only his most basic necessities and found them to total much more than what his Social Security income would provide.

The OM contacted the student's campus DORS counselor, who explained that the student's reduction in benefits was required by DORS policy. He informed the OM that the student could appeal the decision by DORS by meeting first with the area supervisor and, if necessary, with the statewide Fair Hearing Commission. The counselor stated that the first step was informal and would not require the submission of a written statement of grievance.

The OM, however, tried to persuade the student to prepare a written statement in order to strengthen his case. The student resisted this idea as "too much work." He felt very negative about the likelihood of his winning the appeal and was quite hostile toward his DORS counselor at SIUC. In fact, he had been told by the student attorney that he had a good case for a lawsuit and that the student attorney would be willing to file for him. He seemed to be leaning toward this type of action.

Nevertheless, the student arranged for the OM to accompany him to the first meeting with the DORS area supervisor. He did not contact the OM again until after he had missed his appointment to appeal due to illness; he had failed to cancel the appointment because he did not have a telephone. He resisted the OM's further attempts to persuade him to communicate in writing with DORS and informed her that he was considering withdrawing from school. The OM alerted the student to the proper withdrawal procedure and discussed with him the possible consequences of withdrawing. After the student left this meeting, the OM noted her impression that the student still was influenced by his hope of winning a lawsuit against DORS.

1.3 Bursar and Other Agencies

1.3.12. A student who had paid her tuition for the summer term was notified that her registration had been canceled because of an unpaid $5 balance. Apparently, $5 of her summer fee had been applied without her knowledge, to an outstanding parking fine. She had not been aware of the existence of the parking fine. As a result, she not only owed the $5 unpaid balance but a $15 late charge for reregistering for her classes after the deadline.

The OM contacted the records office, but the staff member with who she discussed the matter was very defensive and not inclined to authorize a waiver of the late fee. Therefore, the OM contacted the student's dean, who appeared to be sympathetic, and scheduled a meeting with the student for the following day. The student did not inform the OM of the outcome but, based on her conversation with the dean, she was confident that the late charge was waived.

1.3.13. A student living in University-owned housing called with a question that seemed to involve a flaw in the University's computerized billing system. Although rent for family housing was due on the first day of each month, the bursar included

the rent charge on the billing statements which were mailed on the 12th day of each preceding month. As a result, any student living in family housing who had not paid the month's rent early had a bursar's hold put on his/her registration from the 12th of each month to the 1st of the following month.

The OM suggested that the student discuss the issue with the assistant to the financial affairs vice president. The OM later inquired of the manager of the family housing office and was informed that, despite the billing statements, students' transcripts were released if no rent was overdue.

1.3.14. A student had a bursar's hold on his registration stemming from a forgery incident the student though he had cleared up months before with a campus security officer. The student's paid fee statement had been stolen and used to cash a bad check at the student center with a forge endorsement. Upon discovering his registration hold, the student had tried to explain the situation to the bursar's representative, but the representative continued to maintain that the student owed the bursar $30.

The OM advised the student to see if the security officer could handle the problem for him and called the bursar's representative after a day to inquire what had happened. The bursar's representative communicated to the OM that he would need a copy of the police report verifying the student's innocence before he would issue a credit voucher towards the student's account. The OM then contacted the security officer and learned that an investigation involving other checks written and cashed using the student's paid fee statement was in process and that he was awaiting an analysis of the student's handwriting. Although the student really was not suspected, the security officer did not want to confirm his innocence at that point. Further efforts to influence the bursar to release the registration hold, pending the results of the investigation, proved fruitless. Finally, the OM determined that the only way the student could register would be to pay the$30 and receive a refund when he was cleared of suspicion. The OM loaned the student $30. He was cleared a little over a month later. But the bursar did not initiate the refund for another few weeks for various reasons involving the payment of the proper portions of the $30 by the student center, which had cashed the check in the first place, and the bursar, which has assessed the service charge. This, of course, required the distribution and processing of vouchers in different departments. By the time the OM informed the student of the refund procedure, he had developed the patience necessary to deal with the bursar's representatives.

1.3.15. A graduate student had received a guaranteed loan from another state, sent to her via the bursar, which deducted the amount the student owed for tuition and fees from the loan check before giving the student the remainder. A week later, the student received her contract as a graduate assistant, allowing her a waiver of tuition and fees. She obtained a refund authorization from her department and attempted to collect her tuition and fees money but was told by a bursar's office staff member that, since her tuition and fees had been paid by check, a 10-day wait would be required to allow the check to clear before the bursar would issue a cash refund. Since the bursar had already paid her the cash balance of the loan check after deducting tuition and fees, this policy seemed confusing and inconsistent.

The OM consulted with the assistant bursar who referred her to the woman who had originally denied the refund. This woman curtly stated that the student could not under any circumstances receive a refund before the end of the 10-day waiting period. No sooner had the OM returned to her office than she received a telephone call from the assistant bursar, who told her the woman in his office had misunderstood his instructions and should have given the student her money. The OM contacted the student and accompanied her to the bursar's office, where she received her refund.

1.3.16. According to the bursar, a student owed $680 for housing. When the student received his BEOG of over $700, the $680 was deducted. However, the student had already paid $230 for housing the previous month, but this amount had not been credited to his account for 30 days as was the normal procedure of the university. The student was informed by a bursar staff member that he would get a $230 refund in a few weeks.

The OM advised the student to secure a short-term loan in the meantime, but the student was not satisfied. The OM promised to look into the possibility of a more prompt refund and the reasons for the delay. The OM learned from the housing accountant that he had received instructions from higher administrators to not apply the normal payment schedule (approximately $230 per month) in the case of Basic Educational Opportunity Grant (BEOG) recipients but to charge those students' accounts a lump sum payment for the semester. The student on whose behalf the OM inquired received a refund of his overpayment of $230 after approximately one week, because of the OM's intervention, and was satisfied. The OM investigated further the policy of withholding future debts from BEOG recipients without there being such a stipulation in the housing contract. The housing director's representative agreed that such a stipulation should be in the contract and indicated that consideration was being given to revising the contract in this manner.

1.4. Powers of Attorney

1.4.17. A student was referred by a financial aid officer for processing of a power of attorney which would authorize the OM to repay the student's short-term loan from the spring term with BEOG money which was to become available during the summer. The student was going to be in his home town.

The OM determined that there was no need for a power of attorney to cash the BEOG check since these checks were credited to students' accounts directly. Since short-term loans had not been incorporated into the university's billing system, there was, however, a danger that the student's account would be charged for fall semester tuition and fees without the short-term loan having been paid.

The OM received notice from the director of financial aid that the OM should be able to retrieve the BEOG refund check from the disbursements officer at the time it would be written. However, the OM also had been told by a bursar's staff member that the Bursar's Office would be retrieving refund checks from disbursements for those students who owed short-term loans. The OM visited the bursar's office to

clarify the matter. After consultations with several persons in the office, it was determined that the current university practice was that disbursements personnel flagged the refund checks of those students who owed short-term loans and sent them to the bursar's office.

In this case, a power of attorney was needed and was executed to allow the OM to cash the student's refund check so that the short-term loan would be repaid and the balance sent to the student via registered mail. This procedure expedited both the university's and the student's receiving the monies due them, respectively.

1.4.18. A foreign student desired to receive his paycheck for student work in the form of a short-term loan, since he planned to leave for his home country some weeks before his paycheck would be available. Due to currency restrictions in his country, it would be very difficult for the student to cash his check if it were sent to him there. By signing a power of attorney to the OM, he could pay back the loan with his paycheck when it arrived. The check would be sent from the disbursements office to the OM, rather than to the bursar's office where students usually pick up their checks.

Unfortunately, after preparing and having notarized the power of attorney, the OM discovered that the student had arranged for his paychecks to be deposited by disbursements personnel directly into his savings and loan account; thus, there would be no possibility for the OM to have access to the check. The savings and loan officer suggested that the student leave his passbook and a signed withdrawal slip with the OM, to whom the savings and loan officer would then release the cash. The financial aid officer, however, would not make the short-term loan under these conditions. As a result, the student had to settle for an American Express money order which would be sent to him in his country by the savings and loan officer when his check was received there.

1.4.19. An undergraduate student who was scheduled for a student teaching practicum in a neighboring town requested that the OM forward the proceeds from his NDSL, BEOG, and private scholarship to him. His daily schedule would not allow him to come to the campus in person during business hours.

The OM agreed to do this with the understanding that the transactions would not be carried out until tuition and fees and a short-term loan from the previous semester had been paid. A power of attorney instrument was drawn up specifying the transactions to take place.

The NDSL check arrived in the second week of the term. The OM mailed a promissory note to the student and a request for a check to cover the short-term loan from the previous semester. The OM then learned from the bursar's loan officer that the student had been determined eligible for a second NDSL loan, and the OM so informed the student. The power of attorney, ultimately, was unnecessary, because the student was able to come to the bursar's office during a snow day at his public school. After the student had paid his outstanding debts to the university, the bursar was able to mail him the second NDSL loan when it became available.

1.4.20. A foreign student was scheduled to leave the United States the day before her student work paycheck would be disbursed. Instead of taking out a short-term loan and giving the OM power of attorney to repay it with her paycheck, the usual practice in such cases, the student wanted the OM to use the power of attorney to purchase an international money order with the check and then mail it to her. Since international money orders take several days for processing, the OM ascertained from the payroll officer what the net amount of the student's check would be and ordered the money order for that amount minus 80 cents for postage to mail it. Unfortunately, the information received from the payroll officer as to the amount of the student's check was erroneous; the actual check was for $4 less than promised. Since the international money order had already been processed by the time the check arrived, the OM was obliged to pay the difference.

1.5 Parking Tickets

1.5.21. A graduate student had parked his car near his class building at 7:30 a.m. before two final examinations. When he returned, his car was gone, and barricades were set up in its place. When the student inquired at the security office, he was informed that his car had been towed. The OM called the towing company usually used by campus police and found that the student's car was indeed there and that the student would have to pay a $15 towing charge to get it back. The OM contacted the student with this information. In the meantime, the student had found that some grounds work was being done next to where his car was parked but that the grounds crew had not requested that his card be towed. They had decided they could work around his car. Apparently, security officers had decided to tow the car without being requested to do so. The student also said the dean of his college was a willing witness that his car was legally parked at 7:30 a.m. The OM suggested that the student bring the matter to the attention of the security officers. The student called back to say that the security officers had agreed to reimburse him for the towing charge.

1.5.22. A former student's husband called about parking tickets that were billed to his wife's account. The student's husband had been driving his mother-in-law's car on campus, and it had been ticketed several times. The tickets were billed to the student. The husband felt that since he was driving the car and the car was registered to his wife's mother (not a member of the university community) the tickets should not have been billed to the student, his wife.

The OM checked the campus parking regulations and found several regulations which justified the ticketing procedure. The most appropriate regulation was:

> Each motor vehicle operated on University property by an
> eligible student, faulty member, employee, or staff member,
> must be registered at the beginning of each year with the
> Parking Division of the Security Office.

Even though the car was only to be used on campus the one time, a permit was required. Furthermore, three of the tickets were for overtime meter violations, requiring money in the meters with or without a permit. The student's husband eventually paid the fines.

1.5.23. A student's car was ticketed and towed for being parked illegally. The student contested the ticket claiming that he had been misinformed by Parking Division personnel when he bought his sticker and, due to this misinformation, had though he was parked legally. The Parking Division officer agreed to cancel the ticket but not the towing charge. The student felt that since the agency had agreed he was not guilty and canceled the ticket it was inconsistent for them to assess the towing charge. The student felt that since the agency had agreed he was not guilty and canceled the ticket it was inconsistent for them to assess the towing charge.

The OM informed the student that he should appeal to the Parking Division on the basis of the following regulation:

> The owner or operator may appeal, pursuant to these regulations, the ticket based upon which the vehicle was removed or attempted to be removed from campus or the removal or attempted removal itself. If the appeal is successful, the owner or operator will be entitled to a full refund of all towing, towing service, and storage fees paid as a result of the removal or attempted removal. (Motor Vehicle and Bicycle Regulations)

The OM wrote a letter to the director of the Parking Division to this effect, and the student received a refund.

1.6 Health Care

1.6.24. A student's teeth were injured while playing racquetball. A dentist at the campus dental clinic said that he would do the required root canal work, while the necessary crown work would have to be done by another dentist at the student's expense. The student had an appointment with a dentist recommended by the State Board of Dentistry even before he was able to get an appointment with the campus dentist. The student attempted to cancel his appointment with the SIUC dentist and speak directly with him but was unable to reach him. The SIUC dentist subsequently held the position that the student had failed to get a referral from the health service and therefore was ineligible to have any of the work done by SIUC. The student felt that the dentist was retaliating because of his breaking the appointment.

The OM consulted with a health service insurance officer. In cases such as this, the university provides coverage of restoration regardless of which dentist does the work. It was not permissible for the SIUC dentist to deny coverage. The OM instructed the student to contact the health service insurance officer.

1.6.25. A student was injured while she was a civil service employee of the university prior to leaving her job and becoming a student. She was covered by Blue Cross insurance while employed, and it paid for her initial hospitalization and two required surgical procedures which followed during the period she was employed. The student now needed a third surgical procedure, but Blue Cross representatives refused to pay because the student was no longer covered after leaving her job. The student felt that Blue Cross should pay since the injury requiring more surgery occurred while she was still an employee and covered by Blue Cross. The student had also contacted the

personnel officer and was referred to the Department of Personnel of the State of Illinois.

The OM called an SIU personnel insurance officer, who promised to check with the master policy, and seemed to be of the opinion that the student had a good case and should contact the director of the Group Insurance Division in the State Department of Personnel in Springfield. The OM also checked the insurance booklet and could not clarify whether Blue Cross would cover expenses beyond termination of employment. The only situation described in the booklet involved an individual who was totally disabled at the time of termination.

The OM forwarded this information to the student, along with the Springfield address to which she should write. The OM also arranged to assist the student in writing a letter of appeal, if necessary. Nothing further was heard from the student.

1.6.26. A student was faced with payment of an emergency room bill of $94 minus $53 paid by her parents' insurance policy, leaving her with a bill for $41. The student had gone to the emergency room with severe nausea; several tests were done there, including a pregnancy test. The student was pregnant. Since the student insurance policy specifically excludes pregnancy-related problems, the student was denied coverage. The student felt her symptoms were not completely due to her pregnancy, since a close friend of hers had been killed in an accident the night before, and her roommate had been with him at the time.

The OM checked the health service brochure and verified that health problems related to pregnancy were excluded from coverage. The OM then made an appointment for the student to discuss the matter with the insurance coordinator. The student subsequently reported that the coordinator had approved the student's coverage due to the extenuating circumstances.

1.7. Social Work Cases

1.7.27. A student was referred to the OM after having visited many different campus offices. He, his wife, and three small children were in need of food. The wife and children were to receive some form of public aid, receipt of which had been delayed. The student's ISSC, BEOG, and VA benefits had not arrived and were not expected for a month or more. He had a short-term loan outstanding and was thus ineligible for another loan.

The OM verified his anticipated financial aid and contacted every agency in the area which was even a remote possibility for help. One agency which had previously helped the student at a time when he was not enrolled in classes could not help him now because students were ineligible for assistance. A second agency was able to spare a few cans of food for the student and his family from their Christmas stock. A third agency also had some canned goods available. The student was required to verify his need to both these donating agencies.

The OM then called a friend, who worked at university housing, regarding leftover food from the cafeteria. The food manager called the OM back to say she had

organized an effort by staff there to bring in food from home, which the student could pick up the next day. Finally, the OM scheduled a meeting with a local minister during which he gave her a $30 food voucher for a grocery store, which the OM took to the student and his family. These efforts helped the student through his initial crisis.

1.7.28. A civil service employee, attempting to support her husband and three children on an income of $495 a month, turned to the OM for help in unraveling her massive financial problems. Her husband had been unemployed for over a year; he was currently working on his dissertation while wrestling with immigration problems stemming from his inability to obtain important documents from his home country. His $1,200 bank loan to finance a trip home, a claim by public aid that the employee owed them $600, and a legal battle to retain her family's food stamp eligibility were among the problems causing the employee to consider declaring bankruptcy. In addition, she soon would be going to court to answer claims being made by collection agencies. Further, she had a disagreement with University Family Housing over still another debt.

The OM could only help the employee to prepare a budget that would allow her to maintain a bare existence for her family, while beginning the dissolution of some of her most pressing debts. In addition, the OM advised the employee to seek further help from the personnel of the public legal assistance organization, which was handling her public aid case, by asking them to advise and possibly represent her on some of her other problems, including the housing disagreement. Finally, the OM discussed with the employee some of the ramifications of declaring bankruptcy.

The employee did not contact the OM after this meeting, so the results of her attempts to solve her financial problems remain unknown.

1.79.29. A student who was a resident at a local "halfway house" had been told by an oral surgeon that he needed extensive oral surgery. He contacted the OM after much fruitless letter writing and inquiries into possible funding sources. The surgeon had written to the Department of Corrections (DOC) stating that this surgery was needed for both therapeutic and cosmetic reasons. The DOC, however, viewed the surgery as solely cosmetic and refused to pay for it.

The OM called the SIU School of Medicine and was referred to the SIU Dental School, located at the Edwardsville campus. The OM was informed that the SIU Dental School might be able to do the surgery at the minimal cost but only on the premises in Edwardsville, which could necessitate traveling 100 miles one way. Two other area agencies could not offer help while the inmate was in the custody of the DOC. In the meantime, the student contacted the Department of Public Health and was told it had no jurisdiction over the issue.

After having explored these resources, it appeared that the student would have to wait until after his parole to obtain the surgery.

1.7.30. A student, who was expecting her third child in a few months, owed University Family Housing eight month's rent, which was to be paid within four days from the date she contacted the OM. She had not been enrolled during the most recent term. A hold had been placed on her registration for the next semester and a forcible detainer action threatened. The student was expecting a state scholarship and a Basic Educational Opportunity Grant (BEOG) but had been turned down by her bank for a guaranteed loan because she no longer maintained an active account with them. The student was currently receiving Social Security and public aid income. She had been unsuccessful in obtaining other subsidized housing.

An officer of University Family Housing had previously signed two payment agreements with the student, but both times she had not complied. During the previous academic year, her BEOG had been denied, which had caused her to initially fall behind with her housing payments.

In addition, the student had flown to California where her father had had a serious accident; and, during the trip, she had lost her baggage with $720 cash inside, for which she was eventually reimbursed by the airline. However, by the time she received reimbursement, the money could not cover the debts she had accumulated in the meantime.

The OM helped the student prepare a budget which would have allowed repayment to the university within five months, provided her registration hold could be lifted so she could maintain her BEOG and Illinois State Scholarship Commission (ISSC) eligibility. Without these education-related grants, there was little chance the student would have the resources to pay her debt to the university. The OM made suggestions to the student affairs vice president, if necessary. The housing director denied the appeal but extended the student's eviction deadline by one month. The student did not report to the OM on the outcome of her meeting with the student affairs vice president. The OM learned that the student was still in family housing six weeks later but not enrolled by the third week of the semester.

2. Housing Problems

2.1 Contract Acquisition

2.1.31. Before the beginning of the fall semester, a student was in Carbondale seeking admittance to university housing. She needed to return to her home town that night. The papers she had showing the type of financial aid to be received were not enough to secure a housing contract; a cash deposit or proof of future receipt of Basic Educational Opportunity Grant (BEOG) was needed. The student contacted the OM because she was worried that she might run out of time and not be able to secure a contract.

Them OM obtained the required papers from a financial aid officer showing proof of BEOG approval for the semester. The OM then called a housing office representative but was told that contracts were not being mailed to anyone and that available

housing was to be given only on a first-com, first-served, walk-in basis. The assistant director of housing agreed, however, to let the OM act on the student's behalf through a power of attorney. The OM wrote a letter to the student enclosing two copies of a power of attorney, which allowed the OM to pay her tuition and partial housing fees with her BEOG. This agreement was executed without any problems.

2.1.32. This student had spent all his money on bus fare from the east coast to Carbondale. He wanted to move into University housing but was required to make a $109 down payment on his housing contract. Since the student could verify the approval of a $4,000 guaranteed loan for the semester, the housing officer was willing to defer $100 of the down payment. However, deferment of the remaining $9 was refused. The student arrived at the OM's office on a Friday afternoon with no contract and no place to stay for the weekend.

The OM called the housing officer to determine why the remaining $9 could not be deferred and was informed that it was too much trouble since the $9 represented an activity fee. In addition, one member of the housing office staff was of the opinion that since this was the last working day before the start of the semester, and since there were many other students waiting in line who had the necessary $9, this student should not be give preferential treatment over others in the assignment of housing contracts. The OM sent the student to the financial aid officer to apply for a short-term loan, even though he was technically ineligible for such a loan since his tuition and fees had been deferred and remained unpaid in anticipation of receipt of his guaranteed loan check. The OM felt that if the student explained that a $9 deferment had been impossible for him to obtain even with the OM's help, and verified that he would be receiving the $4,000 loan soon, the financial aid officer could make an exception for him.

Still, the short-term loan could not be made available to the student before the following Monday. The OM advised the student not to spend the night in the train station as he had done the night before but to try to locate a friend to stay with or to stay at an area shelter which provides temporary housing.

The student did not report to the OM the results of his short-term loan application and search for housing.

2.1.33. A student who planned to enter the University for the fall semester was upset because he could not obtain an apartment in University Family Housing. The reason for his denial was that he had too many children (five). The student claimed that he had applied to nearly every housing resource and had sought help from the International Education office, but he could not find a place to live anywhere.

The OM contacted the University Family Housing director, who stated that her office had been working for a week trying to find housing for the student and his family. She claimed that a trailer had been found for them to live in but that he had refused to live there because he did not like trailers. The director even had managed to obtain some financial assistance to help him pay the rent. The University Family Housing director planned to ask the student's department chairperson to help

persuade the student to accept what housing could be found for him. The OM felt that the University Family Housing officer had done everything possible to help.

2.2 Delinquent Housing Payments

2.2.34. This student was one of approximately 200 students to whom eviction notices had been sent for not paying University Housing bills. As the student stated to the OM, his bills from the bursar's office had been in error. However, he also said that until the previous month they had indicated that he owed no money, even though he did owe $602.55.

The OM learned from the housing officer that it sometimes applied such procedures as revoking meal tickets and threatening eviction as a necessary means of getting the attention of students who would not otherwise take responsibility for their accounts. The housing officer stated to the OM that experience had shown that most students complied, paid their debts, and therefore were not evicted. The OM was persuaded that this was a necessary method, even though the housing officer merely intended to induce these students to make arrangements to bring their accounts up to date rather than actually to evict the students. The OM, therefore, urged the student to settle his account within the extension period which had been negotiated for him. The student paid approximately $100 to show his good faith, was not evicted, and later paid the remaining debt.

2.2.35. A student called contesting the decision of the University Family Housing director to evict her and her husband for breaking their contract. Neither the student nor her husband had been enrolled during the previous (summer) term. The student stated that she had been on academic suspension, and her husband had been forced to withdraw from the University after three weeks for medical reasons; he had been under a doctor's care all summer. A month before, when they first had been informed by the University Family Housing director that eviction was being considered, the student's husband had obtained verification of his medical problems from his doctor and from the clinic where he was treated. The student's husband had submitted a petition to the University Family Housing director along with these verifications, but the petition was denied in a brief letter, with little explanation of reasons. The student then was told that the doctor's letter lacked specific dates relating to the illness and that the petition, generally, had not been detailed enough to warrant granting the exception sought. Thus, the student and her husband had been given ten days to vacate. However, the student had been given a second petition from the University Family Housing director and planned to present it with a more detailed letter from the doctor.

The OM reviewed the student's first petition and offered suggestions on how to make needed revisions. The OM also suggested that information from the student's doctor regarding the dates of treatment might be supplied to the University Family Housing office by telephone, since the ten-day period until eviction did not leave enough time for correspondence. The OM also contacted the University family Housing director, who told the OM that he had planned to contact the doctor to verify the treatment dates. The OM also instructed the wife, who had been academically suspended, about the procedure to petition for readmission to the university (her husband had already

reenrolled for the current semester). The wife contacted the OM after the second petition had been reviewed and approved. Her husband had been able to obtain a second letter verifying the dates of his treatment in time for the petition's review.

2.2.36. A foreign student received an eviction notice from the director of University Family Housing for nonpayment of rent. The student expected his scholarship check from his home country; but, needing to return to his country because of a parent's death, he was concerned that his wife and child would be evicted during his absence.

The OM called the University Family Housing director and was advised to instruct the student to take a copy of his scholarship verification letter from the International Education officer for verification by that officer that the student was scheduled to receive a scholarship. The University Family Housing officer would then allow the student's family to remain in university housing.

2.2.37. A handicapped student was unable to pay his University Housing bill because his support money from the Department of Rehabilitation had been discontinued. The student owed about $400. The student had an offer of a teaching job at a high school but could not complete his job application process without an official transcript of his grades from the University. However, he could not obtain his transcript because the housing accountant had issued a transcript hold. The student was reasonably certain of obtaining this job if he could obtain his transcript immediately. He would then be able to pay his housing debts.

The OM contacted several campus officers. The housing officer stated that no exceptions could be made for any student with a transcript hold from the housing officer. The transcripts officer further informed the OM that no transcripts could be sent out to students with transcript holds, not even the one copy with the diploma upon a student's graduation (as had been policy in the past). The accounting director of the Housing Office also confirmed that no exceptions to this rule could be made. The OM then contacted the Department of Rehabilitative counselor who assured her of the student's good standing as well as his inability to pay the housing debt. The Specialized Student Services officer could offer no suggestions for the student. The OM finally contacted the Student Affairs vice president, who expressed some reluctance in requesting an exception because of the possibility of future abuse; however, he was influenced by the OM's opinion that the student did not intend to abuse such an exception by the University and that there was no likelihood of a flood of such requests. The vice president arranged for one official transcript to be issued to the student.

2.3. Release from Contract

2.3.38. A student who had a job as a night-time waitress wanted to move out of her residence hall since she was unable to sleep during the day due to the daytime noise. The student was also delinquent in rent payments and had received threats of eviction. She could pay half of the rent due now, which would prevent her eviction; then, if she could be released from her housing contract for the next semester (spring), she would like to find a quieter place to live. She also would reach junior

status at the end of the spring semester and thereby no longer would have to abide by the housing restrictions placed on freshman and sophomore students.

The OM informed the student of the petition procedure for release from housing contracts and offered to help with it. The student's request was granted, and the student was able to move in with a relative in a nearby town.

2.3.39. At mid semester a student wanted to withdraw from school for financial reasons. She had been informed by the housing officer that she would be assessed a $204.65 penalty for breaking her year-long contract.

The OM talked with the housing office accountant who indicated that the current policy was to charge everyone who left in mid-year $204.65 but that reasonable petitions for release from the penalty were usually granted. Therefore, the student could possibly have the penalty waived, reducing her "liquidation charges" to $25, provided she filed the "intent to vacate" forms on time and checked out properly. The OM discussed at length the petition process with the student until the student indicated that she felt comfortable handling it on her own.

2.3.40. A graduate student wanted to change his residence hall room. He had been placed in a room with some freshmen and could not study because of the roommates' noisy behavior. The student wished to obtain a single room.

The OM contacted the housing officer and learned that no immediate change in room assignments was possible since there were no single rooms available at the time. The OM ascertained, however, that the graduate student could get a single room in university housing at the end of the term when, without doubt, one would be available. This arrangement was satisfactory to the student since the end of the term was only a few weeks away.

2.3.41. A former student, who had broken her housing contract with SIUC more than a year earlier, called the OM after she had resubmitted her petition for the removal of over $700 in charges and collection agency fees. The student had petitioned earlier, unsuccessfully, for removal of charges stemming from her breaking the housing contract the day before the start of the semester. Due to the resulting hold on her registration, the student had been unable to remain enrolled at SIUC because of the outstanding debt with the housing office. Her second petition, mailed several weeks before, still had not been answered; and she was asking the OM to investigate its status.

The OM contacted the housing officer and found that the student's second petition had been granted and that the housing officer would be sending her a check for a small amount of money which represented the difference between the student's initial deposit on her housing contract and one night's prorated room rent, plus a small penalty fee for breaking her contract. By the time the OM forwarded this information to the student, she had already received her notification. The case appeared to have been solved.

Shortly thereafter, however, the student telephoned again to tell the OM that she was still to obtain her transcripts since the bursar had received notification to remove only half of the charges, and the computer shoed her still owing several hundred dollars. Further investigation by the OM revealed that this error reflected both a delay in the processing of the change in her account and the fact that a credit to her account had been entered mistakenly as a debit. The bursar assured the OM that these errors would be corrected, and the OM informed the student that if her next statement did not reflect these corrections she should contact the OM again. The student did not have to call again.

2.4. Liability for Damages

2.4.42. A student called on behalf of himself and other residents of his residence hall floor; they had been charged $360 for repair of an air conditioner vent and felt that the price was too high. They had been referred to the maintenance inspector but had been unable to reach him.

The OM contacted the maintenance inspector, who sympathized with the students, and agreed that the price was high. The reasons were: (1) the unit was specially designed, requiring custom-made equipment for repair; (2) three workers (an electrician, a pipe fitter, and a carpenter) were needed to repair the unit; and (3) special welding equipment was needed beyond that maintained by the physical plant. The maintenance inspector promised to explore the possibility of lowering the cost by replacing rather than repairing the unit. He further planned to discuss with his supervisor, the housing director, the possibility of lowering the amount charged to the students. Finally, he intended to explore with the manufacturer the possibility of modifying the air conditioning unit so that it would be less easy to damage.

The OM forwarded this information to the student, who seemed pleased, and planned to follow up by checking with the housing director and his head resident. The student would recontact the OM, if necessary, but did not.

2.4.43. A student contacted the OM regarding a burglary of his residence hall room. Stereo equipment and some books, which he valued at $800, had been stolen. A week before the theft, a resident adviser had discovered that the locks and keys on the floor were widely interchangeable and that each room key could open from four to eight rooms. Because university officials had not immediately corrected this problem, and because during the interim it had become general knowledge that the rooms were accessible by many different keys, the student felt that the university should accept liability for the theft. The student's lock was rekeyed the day after the theft; the remainder of the floor residents had the lock problem corrected a week later. The student had been informed by the coordinator of residence life that the university was not responsible in any way.

The OM informed the student that the position of the housing officer probably was based on a decision by University legal counsel. The OM offered to call the legal counsel to ascertain the opinion and the basis for it. The OM first called the University Risk Management officer who stated that in the past the University had not been willing to accept liability for theft of students' property. The Risk Management officer advised that OM that, in order to get a better legal opinion, the

OM should check with legal counsel. Legal counsel advised that, if the student wished, he should file a full report with University Risk Management. Before the OM was able to forward this information to the student, the Risk Management officer called to say that another staff member of the legal counsel office had informed him that the university definitely would not accept liability, even in view of the extenuating circumstances of the theft. The legal counsel staff member had stated that the only way the student could pursue the matter would be to file suit. The OM gave this information to the student and could do nothing more.

2.4.44. A graduate student's University Family Housing apartment and all of his possessions were destroyed in an electrical fire which allegedly resulted from negligence on the part of the contractors who had installed air conditioning units. The student had no renter's insurance. He was seeking a lawyer, since he had not been contacted by SIUC regarding insurance coverage, and wished to have the OM's help in obtaining information.

The OM checked with the University legal counsel, who stated that the student could be joined by the University in a suit against the contractor. The student could be represented by the student attorney without conflict of interest by that office, which is prohibited from actions against the university, since the suit would be against the contractor. Legal counsel advised that the student should prepare an itemized list of everything that was destroyed in the fire. The OM forwarded that information to the student, who prepared the list and, with the assistance of the OM, made several revisions in order to make the list as specific as possible. In the meantime, the OM contacted the director of University Family Housing with the information that the student also would be seeking legal assistance and would then send the list to the Housing Officer. After delays due to the student's lack of cooperation, the list and a letter were sent to the director of University Family Housing. Later, the housing officer called to say that the university, through its insurance company, would not be taking part in the suit after all and that the student should submit the damage claim directly to the contractor's insurance company. The OM helped prepare a letter on the student's behalf of the construction contractors, who forwarded the letter to their insurance company. The insurance company denied any negligence. The OM then referred the student to the student attorney, who would handle the claim against the contractors.

2.4.45. A graduate student contacted the OM to obtain information about compensation for damage to his property, which occurred in an incident 15 months before when his apartment was flooded. The student had been living in University Family Housing while roofing repairs were being done on his building. Because of a rumored roofers' strike, the repairs ceased before completion. The student was told by a housing office staff member that repairs were supposed to have reached a point where the roof was secure against leaks. However, there were some heavy storms which caused water to come through the incompletely repaired roof, and the student's apartment was badly flooded. The student was allowed to move to another apartment and was told to submit an itemized property damage report. Although there was no verification by the housing officer that the student would be compensated for the amount of damage he had itemized (approximately $200), he apparently had felt assured that some compensation would be forthcoming. The

student did not hear anything on the matter for the next 15 months and did not inquire because he had been told that a University Housing officer would be in touch with him. He therefore had decided to wait patiently. But the student had been interviewing for some jobs and expected an offer soon, so he wanted to clear the matter before leaving University Housing. He inquired of the University Housing officer and was told that the University could not pay him until after it had received a settlement in its court action against the roofers. The University Family Housing officer did not tell the student how much time this settlement might take. The student expected the OM only to obtain information on the accuracy of what the officer had told him; he wanted to know if he would actually have to wait until the end of the court action to receive compensation.

The OM contacted the University Risk Management officer, who was not familiar with the particular court case, but gave the OM the information that the university carried hazard insurance only on its own property, including the buildings and furnishings owned by the state. A tenant's property would not be covered under this policy. Thus, University housing would be anxious to absorb the tenant's loss and would prefer that the student wait until the university collected from the roofers.

The OM informed the student of these circumstances and advised him that if he chose to he could appeal this delay of recovery administratively through the University Housing Officer and then through the office of the Student Affairs vice president. The student decided to wait and see if he would be offered a job and would then be leaving, in which case he would consider an appeal based on the extenuating circumstances and his impending move.

2.5 In Loco Parentis

2.5.46. A freshman student living off-campus had a hold placed on her registration for violating a rule requiring freshmen to live in University-approved housing. The student had lived in a residence hall before, with two roommates in a two-person room, and had found it very difficult to study because of crowding and noise (her roommates were constantly fighting). The noise had also kept her from getting enough sleep. The student felt that as a result she had performed poorly in her classes and had been placed on academic probation. She had earned only 22 hours of credit during her first year of college, which meant that she was still a freshman at the beginning of her second year. She had arranged with the Off-Campus Housing director for permission to live off-campus under the condition that she earn a 2.75 grad-point average for the semester and be released from academic probation. The student had sent the director a certified letter agreeing to these conditions, but she unfortunately had not made a copy of the letter. The letter had been sent in the summer before the beginning of the current spring semester. Three months into the fall semester, the student had discovered that a hold had been placed on her registration. The student wanted to advance register for the spring semester, but the Off-Campus Housing director refused to release the hold. The student felt certain she would earn a 2.75 grade-point average for the current semester and wanted to submit progress reports from her teachers to this effect.

The OM contacted the Off-Campus Housing director, who said he always required a 3.0 grade-point average before releasing the registration holds on student in this situation. Later, he remembered agreeing to a 2.75 for this particular student but still insisted on the registration hold, refusing to accept progress reports from the student's instructors. The hold would be released when the student's grades were issued, if they met the 2.75 requirement. This meant that the student could not advance register but would have to make a trip from her home town to the University during the final registration at the end of the winter break or pay the late registration fee for registering during the first week of school. The OM forwarded this information to the student.

2.5.47. An 18-year-old freshman student was living off-campus, against regulations. This student did not want to live n University approved housing because her accommodations off-campus were considerably less expensive. She was fearful that her registration would be canceled or that she would be forced to move when University Housing officials discovered where she was living.

The OM called the housing officer and learned that University housing spaces were already full, with many students living in "temporary housing." The housing officer advised that this student should go to the off-campus housing office. The OM (a graduate student who had just begun working in the OM office) erroneously informed the student that she had a legitimate excuse to live off-campus, and the student left.

In reviewing the case, other OM staff members discovered that the information given the student was incorrect ad incomplete. Freshmen living in unapproved housing must obtain an exception from the Off-Campus Housing officer to avoid having to hold placed on registration. The OM graduate assistant called the registration officer to obtain the student's address in order to inform her that she needed to be granted such an exception. After a week, the OM was finally able to reach the student. The student returned, and she and the OM discussed the possibility of the student petitioning for an exception by proving that she was supporting herself and that it was a financial necessity for her to live away from campus.

2.5.48. A student was concerned about a dormitory policy requiring residents to be full-time students in order to be eligible for University Housing. Because he had had influenza, the student had missed 10 days of class. He had been to the health service and could verify his illness. One of his teachers had suggested that since he had missed too much material he would gain by dropping the class, which he had done. This left him enrolled for only 10 hours, 2 hours less than full time. When he realized that his enrollment status did not meet university housing regulations, he called the OM.

The OM called the housing director and was told by the secretary that full-time enrollment was required unless the student dropped hours because of a health problem. The OM later confirmed this policy with the housing director, who said that the student needed merely to request that the teacher who advised him to drop the class write a letter to that effect. The OM instructed the student to obtain such a letter. The student brought the letter to the OM, who forwarded it to the housing director with a memorandum from the OM office.

2.5.49. A foreign student enrolled in the University's intensive English as a Second Language Program had become the victim of his American roommate's various dishonest schemes. The foreign student had paid the roommate "his half" toward a telephone and a refrigerator which the roommate had claimed would cost $1,200 and $400, respectively. The foreign student had discovered that these amounts represented vastly inflated prices and that he had become a victim of fraud. There had been no witnesses to or records of the transactions between the two students. The American student had returned $500 when pressured to do so by the resident adviser. Both students were scheduled to take lie detector tests at the Carbondale police station to help determine whether the foreign student had actually paid $800, as he claimed, or $600, as the American student claimed. The foreign student contacted the OM for help in retrieving the remainder of his money. His English was still very poor and his knowledge of American customs and law not very well developed.

The OM accompanied the foreign student to the police department. The American student failed to appear, but the OM learned that the student had been arrested three times before for larceny. The OM then contacted the dean of student life. Because the incident had occurred in University-approved off-campus housing, the student life officer could assume jurisdiction over the case. A letter was written by that officer alerting the American student to the possibility of his being charged under the student conduct code in the event he did not repay the foreign student. The American student denied owing anything. Eventually, there was a judicial board hearing in which the police detective testified. The American student was found guilty and directed to repay $300. After considerable coaxing from the dean of Student Life and under the pressure that criminal charges would be filed against him, the American student finally paid the $300 about three months after the hearing.

2.5 Student Misconduct

2.6.50. A student was contesting a housing decision by the coordinator of residence life to move him to another hall because of seven "write-ups" which he alleged were based on hearsay evidence. First, he received two write-ups, one for being present in the room when his roommate was smoking marijuana and another for being present when one person sprayed another with a fire extinguisher. The student denied his guilt in the fire extinguisher incident but admitted participating in the marijuana incident. The student was given three days to move to another hall. The next day the student received five more write-ups for (1) removing the resident assistant's door sign and putting it on his door, (2) throwing firecrackers on another floor, (3) stealing a board from a window, (4) punching out ceiling tiles, and (5) hanging a skinned squirrel on the door of the room of the resident assistant. The student denied guilt in all but one of these incidents. He claimed another resident had falsely accused him and enlisted other residents to back him. The student wanted the write-ups removed from his record and any disciplinary action stopped. Presumably, because of his strained relations with the other residents, he did not know if he wanted to remain in his original room.

The OM discussed the situation with a student life office staff member, who said that the coordinator of residence life had acted within his rights by not denying the student university housing but simply relocating him. The student life officer added that, whenever his office received copies of write-ups with no instructions, the issue was considered solved, and the write-ups would not appear in the student's record. If the student life officer received copies of write-ups marked for further handling, the student would have to go before a judicial board. The OM followed up on the student's allegation that action was taken based on hearsay evidence (none of his misdeeds had been witnessed by authorities, only alleged by other residents) and contacted the coordinator of residence life. The OM also inquired as to why the student had been given only 24 hours' notice to move after the second group of five write-ups. The coordinator of residence life agreed that such evidence indeed would be hearsay but that three witnesses had given a detailed account of the acts. He felt that whether or not the charges were true the situation had become so volatile that the student needed to be relocated to allow the hostilities to subside.

The OM advised the student that if a judicial board hearing came up the three witnesses would have to appear or the charges would be dropped. The OM also advised him that he could present evidence and witnesses to attest to his innocence. The OM suggested he make an effort to stay out of trouble at his new residence.

2.6.51. A former student, suspended for academic reasons, had been "written up" while visiting a friend in university housing for violation of the student conduct code prohibiting "unauthorized manufacture, sale, delivery, or possession (in any amount) of any drug defined as illegal under municipal, state, or federal law." The suspended student was in his friend's room when three resident assistants making rounds smelled marijuana in the hallway outside the room. They entered the room where they saw an open window and a rolled towel, which they considered to have been used to prevent marijuana smoke from escaping under the door. The suspended student was told by one of the resident assistants that there would be no record kept of the incident but that he would receive a warning letter from the Student Life officer stating what the resident assistants thought he had bee doing and what the penalty would be if he indeed were caught doing it. With this information, the suspended student surrendered his I.D. and cooperated. He later received a letter from the Student Life officer informing him that he had missed the deadline to appear and clear the matter with him and setting a second deadline. Apparently, a first letter had been sent to an incorrect address, although the student had informed the records officer of his address change. The student had visited the Student Life officer and was told that since he was not enrolled the University would not take action against him but that the information about the incident would be kept in his records for five years. The suspended student contested this procedure, since he had been promised by the resident assistant that nothing would happen as a result of this incident and since the resident assistant had not witnessed his committing the alleged violation. Further, the student had been told by his friend that the Student Life officer had informed him that he would not enter the violation into the friend's records.

The OM contacted the appropriate person in the Student Life Office. The OM's inquiry, initially, was not received without reservation, but the OM eventually received assurance that if any records of the incident were to be kept on the former

student then information would be included on the disposition as well, i.e., that the case was not heard and that the other party to the incident was found "not guilty."

2.6.52. A faculty member called wanting to know if the fraternity living in the house next to hers was a University-recognized organization. The neighbors had had a lot of trouble with these students, mostly involving loud partying at night. The night before some of the fraternity members had been out on the lawn making a lot of noise, and one of them had been "barking like a dog." The faculty member was certain alcohol was involved and though drugs might be involved as well, since the fraternity member had exhibited such bizarre behavior. Neighbors had called the police, but the police had been hesitant to act because of the possibility that University security officers had jurisdiction and would handle the complaint about the "fraternity." Thus, the faculty member wanted to know if the University recognized the fraternity.

The OM called the Off-Campus Housing director who did not know if the fraternity was recognized by the university and suggested that the OM call the office of Student Development, which oversees fraternities and sororities on behalf of the University. The director of student development promised to speak with the fraternity members. When the OM asked if this would help the situation, the director's reply was affirmative. The OM forwarded the information to the faculty member.

3. Academic Problems

3.1 Registration and Academic Records

3.1.53. An undergraduate student reported in a letter to the OM that he was unable to complete his registration during a summer visit to Carbondale. Upon inquiring with the student's department, the OM was informed by the secretary of the department that the student had arrived for his registration appointment intoxicated. The OM nevertheless proceeded to help him with his registration, obtaining admission to a closed class, arranging for his name to be placed on the waiting list for another closed class, selecting an alternate class for him in order to complete his schedule, and processing a section change for one class for which the student had already registered but now had a time conflict. Having obtained all the necessary paperwork and signatures, the OM completed his registration and so informed the student.

3.1.54. An undergraduate student's program change from pass/fail credit to regular credit had not been processed properly. The student had requested the change after discovering that he was required to enroll for regular credit, and he had done so before the deadline, the first day of classes. However, his class schedule did not reflect the change. University regulations required that such changes after the deadline had to be approved by the student's dean.

The OM traced the program change through the student's advisement folder (where the original request had been made in a proper and timely manner) to the registration office. Apparently, a computer terminal operator there had made an incorrect entry, omitting the change from pass/fail to regular credit. The mistake was

quickly corrected by that operator, and there was no need for the student to appeal to his dean for an exception.

3.1.55. An undergraduate student had received an E in a class for which he was registered but which he had never attended. As a result, the student was placed on academic suspension. According to the student, registration and advisement paperwork had always been done for students in his program by department personnel, requiring that the students simply take the paperwork to the registration office for processing. Therefore, the student stated, he did not understand the registration process and thought that if he did not attend the class he would automatically be removed from the enrollment list. However, when attempting to get the necessary corrections made, the student had been informed by his department chairperson and the course instructor that, although they understood his problem, there was nothing they could do to remove the failing grade from his record.

The OM made the student aware of the retroactive withdrawal procedure, which is sometimes used in instances like his, and which requires approval from the department chairperson, the student's dean, and, at that particular time, the Academic Affairs vice president. The student contacted his department chairperson, who called the OM to say that he had contacted the dean's office but had been informed by the associate dean that he had no authority to approve backdated withdrawals except for medical reasons. The OM explained that discretionary decisions by the dean usually were not questioned by the vice president and that the dean could approve the withdrawal on his level upon recommendation by the department. It then would have to be forwarded to the Academic Affairs vice president for ultimate approval.

The student returned to the OM's office a few days later and was informed that the procedure had been clarified for his department chairman. The OM anticipated that the student's request for a retroactive withdrawal would be granted.

3.1.56. An undergraduate student was receiving conflicting reports regarding her academic standing. She had attended a community college and transferred to SIUC with the intention of pursuing a bachelor's degree but had been advised that her low ACT score qualified her only for admission into a two-year technical program. She had been allowed to enter a four-year program after accumulation 26 hours with a 2.5 grade-point average. After the first semester in her new program, however, she had been placed on academic suspension, although her grades were not low enough to merit this action. The assistant dean of her college had written a letter to the registration officer with instructions that the student should be returned to "good standing" and readmitted. However, during the following semester, she had received letters from the records officer and the financial aid officer advising her once again that she was on academic suspension. She also had received a letter from the dean who had admitted her to the new program, informing her that she was to be placed on academic probation. These reports as to her academic standing were threatening her eligibility for financial aid and University housing.

The OM traced the problem to the records office where mistakes had been made, partly because the office did not have all of the student's grades on file. In addition,

earlier errors in recording her academic standing had not been corrected. These errors were all corrected, and the student was once again placed in "good standing."

3.2 Students and Professors

3.2.57. A former SIUC undergraduate student, now studying in California, had arranged with an instructor to take the final examination for a class after the end of final examination week and had been given an incomplete grade until his final grade could be computed. After the student had taken the final examination, however, the instructor had failed to change the incomplete into a letter grade. Since undergraduates' "incompletes" automatically become falling grades if not changed within a year, the student had contacted the instructor several times to remind him to make the change, and the instructor had agreed to do so. The grade change did not occur, and the student became concerned about the possibility of a failing grade. The student also needed the course credit as a prerequisite for more advanced courses at his new college. He contacted the OM for assistance.

The OM wrote a polite note to the instructor, asking him to change the grade. She received a note from him several days later, stating the change had been made.

3.2.58. A student and two classmates had received grades of B in a freshman class even though they had consistently received grades of A on their assignments. The student had discussed this discrepancy between her essay grades and her final grade with the OM and, upon the OM's advice, had written a letter to the instructor inquiring why her final grade had been lower. The student had received no response to her letter and later heard that the instructor had left the department. The student had obtained the telephone number of a friend of the instructor and had been told that the instructor would not discuss grades with students. The student further was informed that the instructor and other faculty in the department had received instructions from the department not to give too many A grades, as the department's standards had to be kept high. This explanation did not satisfy the student or her classmates, and she came to the OM for further advice.

The OM contacted the department and discovered that, although the instructor had left the department, he was still teaching in another department. The OM obtained information on the instructor's office hours from his new department and advised the student to visit the instructor during those hours and to take all her graded papers from the course with her. At the meeting, the instructor told the student that he needed to find four papers and a final examination (which he had not returned to the student during the course) before he could discuss the grade with her. The student was instructed to return to his office several days later; however, when the student returned, the instructor was not there and had not left a message. The student visited the instructor during his office hours the following week; the instructor stated he had not found the missing papers but would call the student at home when he found them. Finally, the student asked the OM to intervene personally on behalf of her and her classmates. The OM recorded the student's individual grades from the instructor's gradebook, which was kept on file in the old department, and met with the instructor. After some discussion, the instructor agreed to process grade changes

for all three students. The OM verified with the records officer several months later that this had been done.

3.2.59. Three students contacted the OM separately, concerning their grades in the same course. They complained that they could not understand why their relatively high scores on individual assignments and examinations had yielded relatively low grades for the course. The students had contacted the teaching assistant and instructor but had not been satisfied with their explanations.

The OM met with the teaching assistant who had done the grading. The teaching assistant, apparently, had reduced the students' original raw scores to a four-point scale which did not allow for sufficient gradation. Some of the weighting of different components of the final grade also had been handled in a manner inconsistent with what the students had understood. The OM explained to the teaching assistant, who was foreign, methods of computing grades that might be considered typical at an American university. During the second contact between the OM and the teaching assistant, the teaching assistant reported that he had recalculated the grades for the entire class, using more precise scores. He had received permission from the chairperson of the department to change a number of student's grades. At least one of the students who had complained to the OM received a higher grade.

3.2.60. A student wished to drop a class after the deadline because he was behind in his work. He stated that he had entered the class five weeks after it began due to some confusion with registration and that his financial aid had been delayed, making it impossible for him to purchase his books until well into the semester. To drop the class after the deadline would require permission from the student's dean.

The OM consulted with the registration officer and found that the student had added the course after having received a closed class card on the first day of classes. Another call to the financial aid officer verified for the OM that there had been no delay in the student's financial aid. When the OM discussed this with the student, it became clear that even though the student had added the class on the first day of classes he had not felt he could attend the class until he received his "receipt," his registration schedule, from the registration officer, which happened several weeks later. The OM considered it unlikely that the student would receive a backdated withdrawal on these grounds and advised him that his best course might be to seek a grade of "incomplete" from the instructor. The OM further advised him to make this request by means of a written appeal to the professor.

The student returned several days later. He had asked the teacher for an incomplete grade and had been flatly refused. The instructor had indicated that he had warned the student of the difficulties he would face as a result of entering the class so late and that the student, after his late entry into the class, still had had several weeks to drop the class before the deadline.

3.2.61. A student was concerned about the seeming lack of a permanent instructor for a course. No instructor had been there for the first session of the course; there had been no notice of the course or the session being canceled. The second time the class met a teaching assistant had been there. During the third session, another

teaching assistant had taught the class. There had been no instructor again for the fourth session, until 20 minutes after the class was scheduled to have begun. The first teaching assistant, who happened to wander by and notice the class was in need of an instructor, had agreed to teach the session. For the fifth session, still another teaching assistant had taught. The student had heard a rumor that a foreign teaching assistant had been assigned to the class but had not yet arrived due to visa problems. Still, the student was concerned about the quality of instruction, the fact that no one was grading the students' laboratory reports and providing feedback, and the lack of an instructor to go to for extra help.

The OM contacted the department chairperson and informed him of the situation. The rumor about the foreign student with visa problems was true, according to the chairperson. He agreed to meet with the class himself and explain the situation.

The OM heard nothing further from the complaining student, and it appeared that the department chairperson had satisfied the students that the course would eventually proceed as scheduled.

3.3 Administrative Appeals: Grades and Requirements

3.3.62. A senior was trying for the third time to pass a mathematics course required by his department. The first two times, realizing that he was failing by the withdrawal deadline, he had dropped the course. He planned to graduate and begin working immediately following the current semester but would not be able to do so without a passing grade in this course. The student wanted the OM to help him obtain a waiver of the course requirement, since he had already failed the first two examinations and felt he had no hope of passing the course. He previously had consulted his adviser and been encouraged either to hope for a D in the course or to take the course at another university the following semester and transfer the credit to SIUC. The student had rejected these options since he was sure he could not pass the course at another university, either.

Although the OM advised the student that there was little likelihood of his receiving a waiver of the course requirement, the student still wanted to try. The OM explained what should be included in the letter of request and edited the student's draft of the letter when he returned with it the following day. After submitting his request to the dean of his college, the student learned that approval from his department also would be required, further lessening the likelihood that his request would be granted. The OM advised the student not to be too optimistic but to justify his request as well as possible when meeting the dean and the department chairperson. The student's request was denied.

3.3.63. An undergraduate student in his second semester at SIUC claimed that he had been poorly advised and had registered for a course that was far beyond his abilities. He claimed that two advisers had told him that the course in question was the only one to which he could be admitted and that he would need the credit hours to maintain the full-time status required by university housing (12). Even though he was performing poorly, he had remained enrolled in the course beyond the deadline for withdrawal because he wanted to carry the required number of hours. Now he

was faced with certain failure in the course and wished to petition to be retroactively withdrawn.

The OM discussed the problem with the student until she was sure that the student was honestly interpreting his dilemma rather than fabricating an excuse to drop a course in which he had performed poorly. She explained to the student the procedure for his written appeal and then helped him edit and rewrite his letter. She scheduled an appointment for the student to meet with his dean. The student returned several days later to report that his appeal had been granted.

3.3.64. An undergraduate student feared that he would be unable to graduate on time due to an alleged error by his former academic adviser in a previous semester. He was one hour short of fulfilling his general studies mathematics requirements. He new adviser had suggested that he request a waiver of the one hour requirement, but the waiver had been denied by personnel in the general studies dean's office.

The OM explained to the student that the University interpreted its policy regarding mathematics requirements very strictly and that this reflected its concern over retaining accreditation. The OM advised the student of the next step in the appeal process and of the likelihood that his waiver request again would be denied. The OM counseled the student further on his alternatives should the appeal be denied, then contacted the new academic adviser. The adviser found no evidence in the student's records to substantiate the claim of misadvisement but agreed to be fully supportive if the student would file another appeal to the graduation appeal committee. The OM gave this information to the student and assisted him in drafting a letter of appeal. The student did not return thereafter to inform the OM of the outcome.

3.3.65. An undergraduate student's father contacted the OM about arrangements for his son to complete a course for which he had received and incomplete grade. The student had missed the final examination for the course because a change in the originally scheduled final examination time had been made and announced during a class session for which the student had been absent due to illness. The instructor had given him an incomplete but had left for another country soon after the end of the semester. The dean of the college was left in charge of arrangements for the student to take the final examination, and plans had been made for the student to take the examination at a community college near his home town. The dean was to send the examination to the community college, but his secretary had taken a leave of absence from work without telling the dean to whom the test was to be sent. Then the dean had misplaced the copy of the test. The student had thrown away all his papers and his syllabus for the course, so that no records existed to establish how much weight the final examination grade was to carry or what the student's grades had been for the completed portion of the course.

The OM called the student's advisement officer and was told that no records of the course materials had been kept there, but an adviser promised to discuss the issue with the dean. There were no records in the dean's office either, but it was decided by the adviser and the department chairperson that a letter should be sent to the instructor asking for the details of her grading system and her records of the student's grades. In the meantime, the student would take the final examination

along with students who were taking the same course during the current semester. It was unclear at this point what would happen if the instructor could not clarify the student's grade status form her present residence. The OM was not informed of the outcome.

3.3.66. A foreign student who had transferred to SIUC from another large midwestern university, where she had been a senior, discovered at mid-semester that transfer credits which SIUC had originally accepted had since been rejected. The credits in question were from courses taken in her homeland. The chairperson of her department at SIUC, who had made the original evaluation, had accepted these credits because the other American university had done so. The approval had then been revoked by the new department chairperson. Without the transfer credits, the student's standing would be lowered to that of a first-semester junior. With the transfer credits, she would need only 37 hours of credit (three semesters) to obtain her degree at SIUC.

Upon inquiry, the OM learned that the new chairperson had been curious about the student's motivation for changing universities in what would have been her final semester at the other university; and, upon investigation, he had discovered that the student had been suspended from the university due to a cheating incident. The new chairperson then had decided not to accept her foreign credits. The OM ascertained that there was no policy stipulating the transfer of such credits from a foreign university. After several meetings between the OM and the student, the OM helped the student with an appeal for readmission to the program at the other university. The dean of her program at the other university denied the student's first request but suggested that she reapply again after one more semester. At that time, she would be allowed to present her case to an evaluating committee. The OM helped the student with that appeal, too. The student was allowed to transfer one course from SIUC to the other university, which fulfilled her requirements for graduation there.

3.4 Ad
3.4.67. An undergraduate student was suspended after failing a class during a semester when he was already on academic probation. Allegedly, he received the failing grade because he had been unable to find his instructor when he was attempting to obtain written permission to drop the class on the last day before the deadline; after that day, he had just stopped attending the class. The student wanted to be readmitted to the University for the next semester but had nine negative grade points – three more than the number for which an undergraduate student is suspended.

On three occasions, the OM instructed the student to prepare a petition stating reasons why he could be expected to perform better the following semester. The OM familiarized the student with reasons other students had cited in earlier cases and offered help with such a petition. However, the student chose not to prepare a formal petition and, instead, attended a faculty meeting to present his case on the spot. He was quite indignant when his readmission was denied. The OM told him he could appeal the decision to the dean of his college but noted in her records her opinion that the faculty probably was correct to deny the student's readmission under the circumstances.

3.4.68. A student was seeking readmission to the Graduate School. He had been suspended after failing all his classes in two consecutive terms. Due to his suffering from a brain tumor, he had exhibited strange behavior, which had included his reenrolling and failing in classes he had already taken as an undergraduate and for which he, at the time, had received A's. Prior to consulting the OM, the student had discussed his situation with the graduate school dean, who had given him encouragement toward an appeal for retroactive withdrawal, which would remove the failing grades from his transcript. The OM was asked to help expedite the process.

Because of the exceptional circumstances of this case, the OM did not require that the student take the necessary steps himself but instead did them for him. The OM obtained verification of the student's condition from the physician and wrote on the student's behalf to the instructors involved. Three of the five instructors promptly consented; the remaining two had left the university. The withdrawal then was authorized by the graduate school dean.

3.4.69. A student was requesting a retroactive withdrawal for the two previous semesters during which she had experienced overwhelming emotional trauma. The student was raped during the middle of the fall semester. Two pregnancy tests performed at the health service before Christmas had been negative. During the Christmas break, the student still suspected she was pregnant but did not seek medical confirmation of this because she was terrified of telling her parents Then, in January and February, she resumed a normal menstrual cycle and decided her fears had been unfounded. She returned to Carbondale and registered for classes. Her pregnancy finally was diagnosed two months later, far too late for an abortion. Her baby was born after another two months and was immediately put up for adoption. At this point, the Department of Children and Family Services (DCFS) became involved. Not surprisingly, the student had failed all of her classes for both the fall and spring semesters. As a result of her failing grades, her financial aid eligibility had been terminated.

The OM first contacted the student's DCFS caseworker, who confirmed the student's account of events. The OM then aided the student with a petition for retroactive withdrawal for both semesters, which was handled without the normal formality. Due to the extreme circumstances of the student's case, her dean agreed to remove all the failing grades from her record without the usual requirement that instructors be contacted for consent. The OM also contacted the student's financial aid adviser, who arranged to have her financial aid status returned to "good standing." The student was not only reinstated with regard to academic and financial aid status but also received a refund of tuition and fees for the semester in question.

3.5 Cheating

3.5.70. An undergraduate student's admission had been revoked by the university because the student had failed to include on her application the fact that she attended a community college before coming to SIUC. The grade-point average for the 30 hours of credit at the community college had been below C and would have

made her ineligible for admission. The student claimed that an SIUC adviser had told her that the omission on the application was permissible.

The OM learned from an admissions officer that, because of the student's omission of the prior attendance at the community college, she had been admitted to the university's remedial program which is open only to students beginning college. The student's dishonesty had been discovered by an adviser to whom the student had disclosed her action. Since then, there had been several confrontations between admissions personnel and the student.

The OM informed the student by letter that her infraction was serious but that she could gain admission to SIUC if she raised her grade-point average to an acceptable level at another college and provided SIUC with all the required information regarding prior attendance at other institutions.

3.5.71. Two undergraduate students had received incomplete grades for a course they had taken together. The instructor had informed them that, in his opinion, they had cheated since they had sat next to each other and had provided very similar answers to an essay examination question. The professor indicated that he planned to bring the students before a judicial board. The students denied having cheated. They claimed that they had regularly studied together and traded class notes and that one had finished the test much earlier than the other. The students also claimed that another student in the class could attest to their proper behavior during the examination.

The OM contacted the appropriate dean to ascertain the possible actions on the part of the instructor as well as the students in their present circumstances. She learned that the professor could fail the students and recommend their suspension from the department; the students could appeal the action in writing through the department. The OM advised the students to prepare written responses to the accusation and gather together any notes from which they had studied for the examination.

The instructor, however, decided to drop the accusation of cheating after finding a third student's paper which also contained answers similar to the other students.

3.5.72. An undergraduate student was fearful that an instructor planned to accuse her of cheating. She reported that her notes had accidentally slipped from her book satchel to the floor in front of her during the final examination. Fearing the instructor would find this suspicious, the student had attempted to push the notes back under the satchel with her foot. The instructor, however, had observed her doing this and had confiscated her notes. He had refused to discuss the incident with the student. The student was fearful that his intention was to fail her for cheating.

The OM counseled the student not to make assumptions about the instructor's intentions without again trying to discuss the matter. Eventually, the student was able to make an appointment with the instructor who told her that he had not planned to accuse her of cheating; nevertheless, he refused to return the notes to her. The OM advised the student to wait and see if her grade appeared to be in some way unjust and to return if there was any further problem.

3.5.73. A foreign undergraduate student was caught cheating on two different tests on subsequent days in two different classes taught by the same instructor. He was facing possible suspension and came to the OM for help. The student had admitted to cheating on the tests, apparently expecting the instructor to forgive him; but the instructor insisted on taking disciplinary action. The student's immediate concern was that he be allowed to drop the class rather than receive a failing grade, an action that the instructor refused to approve.

Although the OM recommended that the student write an appeal to the instructor and attempt to solve the problem by discussing the matter with her, the student repeatedly resorted to various schemes to drop the class without the instructor's permission by forging her signature on the withdrawal form or by having another student obtain her permission to withdraw from the class and then somehow changing the name on the form. The OM cautioned the student that no such scheme would work as the instructor would certainly not overlook her notification from the registration office that the student had dropped the class. The OM counseled the student to try to discuss the problem once again with the teacher. In the meantime, the OM researched the student grievance procedure for the student's college.

The student's discussion with the instructor was fruitless, and he returned to the OM with more ideas of circumventing the regular procedure for dropping a course. The OM advised the student to file a written appeal with the college. It had been determined that an appeal by the student would be heard at the college level since possible suspension from the university was involved. The student received notice several days later that an ad hoc review board had been formed and a hearing scheduled to decide if the student was to be suspended. Nearly every day before the hearing, during and outside office hours, the student arrived at the OM's office with a new idea for thwarting the suspension process by underhanded means. The OM staff member estimated that he spent 40 hours during the month between the infraction and the hearing merely explaining to the student why his schemes would not work.

The OM attended the hearing with the student to help him overcome his language difficulty in presenting his case. The OM felt that the student's case was weakened by his attitude which alienated the review board members. The OM felt that some of the evidence used against the student, particularly a charge that he had lied to the departmental secretaries, was inappropriate and not germane; the OM attempted to prevent use of such evidence in the hearing. A penalty of suspension from the University was recommended by the hearing board. The OM assisted the student with a written appeal to the academic affairs vice president which was answered by a modification in the penalty. The student was suspended from the college but not from the University on the condition that he not return to the University without the vice president's permission.

3.5.74 A faculty member contacted the OM concerning a cheating incident which occurred in a class he was teaching. He had scheduled a mid-term examination, had it typed by the office secretary, and then had rescheduled the examination for a week later because he had to be hospitalized. At some point during the week, the

examination had not been secure and had been obtained by some of his students. The faculty member was informed privately by a student that his incident had taken place and was given the names of four of the alleged participants. The faculty member felt that as many as 10 of his students had possibly been involved. He had decided to discount the mid-term examination from the overall grades for the class as a result of this incident but felt that further action should be taken against those who cheated. Still, the faculty member realized that he had no concrete proof and could not say with certainty which students were guilty of cheating. In addition, the student who had informed him of the incident did not want to go on record with his accusation.

The OM's initial assessment was that without more evidence the instructor was probably taking the only possible action by discounting the mid-term grades. The OM promised to discuss it with other OM office staff members and to notify the faculty member of their combined opinions.

The OM staff was not able to suggest further alternatives but only to caution the faculty member that discounting the mid-term grade might penalize students who had done well on the mid-term through honest endeavor. The faculty member stated that he would probably take no further action but would keep closer watch on the security of examination materials in the office.

3.6. Student Grievances

3.6.75. A student complained about the failing grade he had received in a 200-level course. He claimed that he had spoken with the instructor and that he still did not understand how the instructor had arrived at the grade. In particular, he charged that the grading procedure had been changed during the course of the semester and that a double grading standard had been used for students registered under the pass/fail grading system and those who were not. The student wished to file a grievance. He claimed that he had been told by a department member to obtain a "grievance form" from the office of the OM.

The OM contacted the student's department concerning the information given about the grievance procedure and the "form" to be obtained in the OM's office. The department in turn referred the OM to the dean's office. There was some discussion among the staff in the dean's office as to whether the grievance procedure could be released to the student. The student pursued the complaint on his own, addressing the chairperson and the dean about it. He returned to the OM about four weeks after the original contact, reporting that he was now taking the complaint to the Academic Affairs vice president, with whom he had an appointment the next day. After this appointment, the vice-president called the OM. The vice president had directed the student back to the dean's office and to the OM's office in the event that he was still dissatisfied after that meeting.

The student returned after he and a parent had met with the dean. The instructor had participated in a portion of this meeting. The OM discussed the process of a formal grievance with the student, explaining to him how to initiate the process with

a letter of appeal. The student informed the OM, about two weeks after the meeting in which his options were discussed, that he ultimately had not filed a grievance. Since the student's most urgent concern had been his desire to prevent the instructor from similarly treating students in the future, the student decided to drop his grievance when he learned that the instructor's contract had not been renewed for the following year.

3.6.76. An undergraduate student wished to contest a D grade she had received. Her complaint was primarily based on the allegation that the instructor had not followed the course syllabus, had awarded her no class participation points (which amounted to 20% of the final grade), and had charged her with absences when she was actually in attendance. In addition, she felt that his grades on two of the three papers she had written for the course were unfair. She had met with the instructor who had commented verbally on what he perceived as the weakness of her papers and had allowed her the option of revising them accordingly.

The OM advised the student to show some proof of her attendance, if possible, and revise the papers as the instructor had suggested. The student again met with the instructor, who declined to raise her grade. The OM then advised the student on the mechanics of a written grievance, but the grievance was denied by the department. The OM advised the student that she could appeal the decision to the dean of the college but discoursed her from pursuing it.

3.6.77. A student had received a grade of D in a course, which had lowered his grade-point average and caused him to be suspended from the University for the second time. An appeal to his college for readmission had been turned down. He now wanted to contest the grade he had received for the course. The student had earned 206 points for the course, 1 more than the "approximately" 205 points the instructor had stated would be necessary for the student to earn a C grade. However, after the final examination, the lowest score for a C grade had been raised to 211. The student felt the instructor had chosen this number arbitrarily and had written the instructor a letter to this effect, with help from a teaching assistant for the course. The student had received a response from the instructor stating that the student's suspension was an issue irrelevant to his determination of the student's grade. The letter did not mention why the number of points necessary for a C grade had been changed. The student then contacted the department chairperson who had referred him again to the instructor and had explained to him the mechanics of filing a grievance. The student had come to the OM for assistance with his grievance.

Although the OM offered to review the student's written appeal, the student mailed his draft directly to the chairperson. The OM contacted the chairperson afterwards and suggested that an informal meeting among the chairperson, the instructor, and herself on behalf of the student might clear the discrepancy without the need for a formal hearing (the student preferred this course of action, too, since he returned to his home town). Before the meeting was held, the OM received a copy of a statement prepared by the instructor in which he responded to the student's grievance. It was similar to his earlier letter to the student and was ambiguous on the issue of how many points had been required. It mentioned only that the original number of points stated had been an approximation. At the meeting, the OM finally addressed the

instructor's reason for choosing the number of points ultimately required; the instructor explained that the number of points had been determined on the basis of a fluid curve which he had worked out with data not only from the present semester but from the student scores during several previous years. During the semester in question, there had been a large gap in scores between those students who had received Cs and those who had received Ds, and the lowest score to earn a C had been 211; the highest score to earn a D had been 206.

The OM contacted the student to explain the instructor's grading system and why his decision about the required number of points had not been arbitrary. The student then decided to drop the grievance.

3.6.78. An undergraduate student had filed a grievance regarding a failing grade

against an instructor several months before he contacted the OM. He now was concerned that the instructor and department chairperson were exerting pressure on him to drop the grievance.

The student had filed his written grievance initially at the college level. It had been remanded to the department chairperson for action, with a request for written responses by the instructor and chairperson. Two weeks later, the department chairperson responded in writing to the chairperson of the college grievance committee, justifying his pregrievance decision to uphold the instructor's grading of the student. Although the department chairperson included the department's proposed grievance procedures along with his response, he had not followed them in his handling of the grievance. His decision was based on earlier, separate conversations with the student and the instructor. Four weeks after the chairperson's request, the instructor responded in writing to the issue of the student's failing grade. According to the student, the instructor's response was full of inaccuracies and misperceptions concerning the amount of work completed, the evaluations of the student's work, and his classroom attendance. He had further reason for concern since the department chairperson had commented to him about the vast differences between his and the instructor's versions of the case and stated that someone was lying, implying that he thought the liar was the student. The student felt a strong need for continued assistance in this case, since it appeared to him that the chairperson had prejudged him. He had also requested intervention by the chairperson of the college grievance committee.

The OM reviewed with the student all pertinent documents. She then urged the student to continue his strategy of seeking the college student grievance committee chairperson's involvement in the meeting he had originally requested among the department chairperson, the instructor, and himself. She agreed with the student's opinion that with the instructor's letter on record there would be diminished chance that he could defend his position against two clear opponents.

The chairperson of the college student grievance committee declined at first to become involved in the proposed meeting, since he felt such action would be interpreted as an attempt to interfere with the department chairperson's authority. Then the student received a letter from the department chairperson informing him of

the chairperson's decision not to schedule the meeting at all since he agreed completely with the instructor's position after having received his letter. The chairperson of the college grievance committee was then in a position to order a meeting on the student's behalf, since this was the next level of appeal in the college's grievance procedure.

The OM discussed with the student what his next letter of appeal of the chairperson of the college grievance committee should contain. The student did not contact the OM again until the morning of the day of his scheduled hearing before the college grievance committee. The student was quite nervous and reasonably sure that the issue would be seen as his word against the instructor's. The OM tried to help the student regain his confidence, which had withered during the nine months of struggle against the perceived unjust grade. The student stated, at this point, that his strategy would be to tell the truth and hope the committee would believe him.

The student contacted the OM a month and a half later with the news that he had just been informed that the grievance had been decided in his favor. The committee recommended that the student's request be honored for removal of the failing grade for his course from his record. The dean agreed with the recommendation and ordered a retroactive withdrawal for the student. In addition, he suggested that if the student were to take the course against he should do so under a different instructor.

4. Miscellaneous

4.1. Employment: Faculty Members

4.1.79.A new faculty member had been assigned the equivalent of a 15-hour teaching load by the acting department chairperson, even though the previous chairperson who had interviewed him had assured him verbally that his teaching load would not exceed 12 hours. For several reasons, the faculty member balked at this assignment: he was finishing his dissertation, completion of which would mean promotion from instructor to assistant professor; he was writing two articles to enhance his chances for promotion and tenure; he also had to learn the use of equipment unfamiliar to him; and he had to supervise eight graduate students conducting laboratory activities. He told the acting department chairperson he could not accept such a heavy work load, but the acting chairperson responded that the faculty member had no choice but to do so. The faculty member then talked to the dean who said it was a departmental matter. According to the acting chairperson, the faculty member's only recourse was to file a grievance. The faculty member wanted to find out from the OM what would happen to him if he refused to tea

The OM called the Academic Affairs Vice President and was informed that there was no university policy regarding the maximum number of hours an instructor could be required to spend in class with students. Since the associate dean assigned to handle faculty matters was out of town, the OM next discussed the situation with university legal counsel to ascertain what would be the worst thing that could happen to the faculty members should he refuse to teach the extra class. She learned that he could be terminated immediately, at the semester's end, or at the year's end; that he could

receive unfavorable job references; and that his pay could possibly be withheld on a pro data basis; although this was unlikely. The OM informed the faculty member of these possible consequences. Later, the faculty member met with the other members of his department and decided to stay and teach all the assigned hours. He finished his dissertation the following month and, after his burden was removed, did not complain any further about his teaching load.

4.1.80. A group of about 10 faculty members appeared at the OM's office. Several of them, as well as some graduate students, had contacted the OM in the months before regarding disputes in the department. Their current complaint was about the appointment of a new chairperson whom the group did not want. They claimed that the department's operating paper had not bee followed. The faculty members requested that the OM come to a department faculty meeting.

The OM listened to the complaints and suggested that a smaller group be formed to discuss possibilities of improving the relationship between the faculty members and the dean and of reviewing the operating paper. The OM met twice with a group of three and also with the acting chairperson. The OM met twice with a group of three and also with the acting chairperson. The OM then requested a meeting with the dean, which was delayed because of the dean's demand for a written statement of "charges." The OM talked to the dean by telephone and wrote him a letter explaining the concerns expressed. In the subsequent meeting with the dean, which was also attended by the acting chairperson upon the dean's request, the OM further addressed the dean's reservations about the OM's interest in the matter, citing a recent request by the University President that the OM increase efforts to help resolve faculty complaints. The OM summarized for the dean the aspects of dissatisfaction which had been expressed to her.

4.1.81. A faculty member was denied a promotion from associate to full professor for the second time. He had been recommended for the promotion by his department colleges, the department chairperson, and, unanimously, by the College Advisory Committee. However, the dean had recommended that he not be promoted, due to an insufficient number of scholarly publications. The Academic Affairs Vice President upheld the dean's decision and rejected the faculty member's promotion. Two colleagues of the faculty member subsequently met on his behalf with the University President, who told them the faculty member's recourse would be to file a formal grievance.

The OM agreed to talk to a representative of the judicial review board to learn more about grievance procedures. She also arranged a meeting for the faculty member, who was considering a grievance, with another professor who had recently completed a promotion-related grievance. The OM helped the professor write his first letter of appeal to the Academic Affairs Vice President, who quickly answered that he had denied the promotion but did not have to give reasons for the decision since the promotion initially had not been rejected at his level. The next step was an appeal to the President. The President formed a panel; and several meetings were held, in which the OM participated, to determine the procedure for an appeal of this nature. During the grievance hearing, the vice president and the dean, as his adviser,

presented evidence for the denial of the promotion; the faculty member and an emeritus professor, acting as his adviser, presented the appeal on the argument that the judgement of the faculty member's peer should not have been overturned. The committee chairperson appeared to have a somewhat causal approach to the hearing; at one point, he asked if the hearing could proceed without a tape recorder, even though tape recording was a standard requirement for hearings of this type. The faculty member had the OM objected to this, and a tape recorder was procured. The committee eventually recommended by a vote of three to two that the faculty member's promotion not be granted. The President accepted the committee's recommendation.

4.2. Employment: Staff

4.2.82.

A researcher, employed under a term contract, was asked by her supervisor to take her vacation before the expiration of her current contract, even though she would have preferred to be paid for the time – approximately 12 days – rather than to take her vacation.

The OM called the personnel officer and found that there is a general guideline (but no specific policy) that vacations for such personnel are to be taken before the expiration of their contracts, since salary funds are allocated to include vacation time within the contract period. The is no other source of funds which to draw to pay for vacation time not taken at the end of the contract period. The faculty member was unaware of this stipulation at the beginning of her appointment and decided to explore whether this was the procedure for other employees who had occupied positions similar to hers.

4.2.83. A civil service employee, during the probationary period of her employment, was asked by her supervisor to resign or be terminated. According to the employee's coworkers, she was doing a fine job; she even had been given a salary increase. The problem appeared to stem from a personality conflict with the supervisor. She claimed that the supervisor had had similar problems with this employee's two predecessors who, like this employee, had taken their unofficial grievances to the director of the unit. The director had indicated to the employee that he would like to see the supervisor challenged on this issue because of the supervisor's history of personality conflicts with employees.

The OM first contacted the unit director, who said he would be pleased if the OM would look into the situation and present an opinion as to whether or not this termination should be reviewed. The OM then discussed the situation with the personnel director, who clarified that the employee had been referred to the OM, who was to review whether the termination had been "legally impermissible," i.e., a discriminatory action (as a probationary employee, the person in question had no access to a formal review of the termination). The OM had several meetings with the employee, the supervisor, other employees at the work place, as well as the director. The OM then informed the principal parties that she has found the termination to have been "legally permissible." In a later meeting with the supervisor, the OM was able to persuade him to modify his initial written evaluation of the employee. The supervisor also allowed the employee to resign, rather than to be fired.

4.2.84. The head of a unit wanted the civil service classification for one of the positions in the unit changed from clerk to technical assistant. He asserted that the position had been that of technical assistant until the year before and that similar positions in other units of the college were still classified as technical assistant. The personnel department's position auditor had downgraded the classification after auditing the job and discovering that no supervisory functions were being performed, as was required for the technical assistant status. Rather, the auditor felt that the functions performed by the employee holding this position were menial in comparison to the functions performed by those holding technical assistant positions in other units of the college. The reason for this was that the head of the unit had not delegated sufficient authority to the holder of this position. As a result of the downgraded status, the position had not been filled, since qualified personnel would not accept it at the lower classification and salary. Therefore, efficiency in the department was suffering.

The OM met with the personnel department auditor who explained that the reason for the downgrading was linked to the unit supervisor's reluctance to delegate authority to the person holding the technical assistant position; the person's duties basically had been clerical. The auditor agreed to upgrade to position, provided that the unit's supervisor would delegate some supervisory functions to the holder of the position. She would review and reaudit the position again after three months.

The OM later learned that the position eventually had been changed to technical assistant, as the supervisor had requested.

4.2.85. A civil service employee was denied admittance to the graduate program in the academic department in which she worked because the department had invoked its policy prohibiting those holding faculty appointments from enrolling in a degree program within the department. She had submitted a written request for an exception to the policy to the department chairperson, who introduced the issue at meeting of the appropriate department committee; the request was denied by the committee at a time when not all voting members were present.

The OM office suggested that the request be resubmitted for a meeting in which all the committee members would be present to consider and vote on it. The committee members were able to distinguish between her status as a nonacademic employee (rather than a faculty member), and her appeal was successful.

4.3. Employment: Students

4.3.86. An undergraduate student was terminated from her student work job for alleged falsification of financial aid records. In actuality, she had not falsified her records but had lost her eligibility for student work and other financial aid since she had not completed the required number of course hours during previous semesters. The coordinator of the department, where the student worked, had misinformed her direct supervisory that the student had falsified her records. In the meantime, her student work position had been refilled.

The OM talked to the appropriate financial aid officer and the coordinator in the department where she had worked and discovered the source of the mistake. The OM then suggested that the student work officer help find the student another job, since the student possibly could appeal successfully her student work eligibility status, and she needed the job to complete the semester. The OM advised the student to write a letter of appeal, which she helped her revise. The appeal was granted, and the student attained another student work job which was not funded federally and had less restrictive eligibility requirements.

4.3.87 A student worker was terminated after being involved in an argument in her department. The worker had disagreed over a procedure with another student. When their supervisor tried to intervene, the student felt the supervisor was "picking on her." The argument became more heated, and the supervisor asked the student to go into her office to discuss the matter. The student refused; she felt she was being "victimized" by the supervisor. Before the argument was over, three other supervisors in the department had become involved. As a result, the student was suspended. The department manager agreed with the supervisors' decision and would not allow the students to return to her job. The student had worked there a year and wanted to return.

The OM learned from the department manager that this student had been challenging the supervisor's authority for some time, often refusing to do jobs she was asked to do and telling the supervisor to do them herself. The manager felt that it would be a mistake to rehire the student since, during the incident in question, she had directly challenged the authority of four supervisors in front of several other student workers. He did agree to give her a "good standing" termination, however, provided she did not use his office as a reference.

When the OM informed the student of the situation, the student still insisted she wanted her old job back. She tried apologizing, at the OM's suggestion, but the manager said he already had filled the job vacancy. Later, the OM learned that the student even had called the manager at home and begged him to take her back. She eventually accepted the finality of the manager's decision and, with encouragement from the OM, found another job.

4.3.88. A student worker had been summoned for jury duty in her home town and wanted very much to serve since she majored in political science and felt it would be good experience. However, she also wanted to be paid for the days she would be absent from her student work job. She had spoken to the student payroll director, who said that he had been able to pay students for jury duty some years before but that the policy had been changed. The student felt that the director may have implied that she could obtain payment if she fought hard enough for it, ands he asked the OM to look into the possibilities.

The OM was unable to reach the offices of two administrators whom she thought might be able to advise her on the student work policy with regard to jury duty. Finally, she contacted the student payroll director, who confirmed that at one time he had authorized payment of student workers on jury duty. However, he had been

severely criticized for doing this, and there never had been an exception to the policy of not paying student workers for jury duty since that time. The OM informed the student that, in light of this information, it was highly improbable that she could receive payment.

4.3.89. A graduate assistant who represented 10 graduate assistant from her department requested the OM's assistance. The students' paychecks were to be delayed; the suggested alternative, that they seek short-term loans from the university, was unacceptable to them because of the time and effort required and the $2 service charge involved. The graduate assistant wanted to present her department with demands that they be given a cash advance, the $2 service charge be waived, or they receive an interest payment on the delayed checks.

Upon investigation, the OM discovered that this group was a portion of over 200 graduate assistants whose checks were delayed in processing. The OM talked to the person in charge of short-term loans about waiving the normal $2 service charge on these loans; he felt that it was not his office's responsibility to compensate in such a fashion for the University's payroll mistakes. The OM then called the Financial Affairs Vice President and was told the problem was resolved since the delayed checks just had been disbursed and should be received by all on time. The OM called the disbursements officer to verify that the checks would be received on time by the specific members of the complaining department and was told to call the payroll officer. The OM then called the payroll officer and found that the checks in question had not yet been disbursed and would not be received on time. The OM met with the associate dean of the graduate school, who was reluctant to negotiate a cash payment as this action was reserved for "dire emergencies" but would try to arrange a waiver of the service charges on the short-term loans. The OM again called the Financial Affairs Vice President and informed him that the 10 checks in question, and 100 to 200 others, indeed were to be delayed; the vice president responded that he would see to it that cash payments for the students would be arranged. The OM called the graduate assistant with this information. The OM thanked the Financial Affairs Vice President for arranging and expediting the cash payments for the group which brought in the complaint. The representative graduate assistant did not return to complain further. The OM interpreted this as an indication that the student's complaint was resolved satisfactorily.

4.4. Special Populations: Foreign Students

4.4.90. A foreign student who received an undergraduate degree in his own country was having difficulty being accepted in the SIUC graduate program of his choice. His standardized test scores were too low to permit admission due to his lack of skill in English. He had been accepted into a similar program at a reputable American extension university in his home country which took into account the language problems and made adjustments in the requirement of scores. At SIUC, the student was studying in one department's graduate program already but was facing difficulty transferring to the new department because of this admission requirement.

The OM contacted the graduate school, ascertained the admissions requirements, and discovered that the students could remain in his present program but take

courses from the other department as well and, upon proving himself capable, could transfer into that program, waiving the test score requirements. The OM was also told that the student should speak with the dean of the college he hoped to enter regarding which courses he should take in the meantime. Since the student earlier had been refused an appointment for him. When the student later missed that appointment, the OM instructed him to reschedule the appointment himself.

4.4.91.A foreign student who had been at SIUC for five years, both as an undergraduate and as a graduate student, had been given a tuition waiver for summer. He was unable to register and reap the benefit of this tuition waiver because of a bursar's hold from the previous semester. The student had a student work job as a janitor and calculated that he could pay the outstanding tuition debt by the end of the term if he were allowed to register and thus keep his student work job.

The OM reviewed the student's proposed budget and repayment plan and persuaded the bursar to allow the student's registration by "lifting" the bursar's hold under the condition that the OM repay the bursar's office with the student's paychecks which would be sent by the disbursement officer directly to the OM. In order to do this properly, a power of attorney would be drawn up which would specify the exact transactions to take place and their dates. The student's excellent work record and longevity at the University helped convince the bursar that the risk was worth taking. The OM received the student's paychecks and paid off his debt in installments.

4.4.92.A foreign student had obtained refugee status but had not obtained immigrant status. His refugee status entitled him to receive an Illinois State Scholarship; however, the University still classified him as an out-of-state student for tuition purposes, as long as he was not a permanent resident. As a result, the student had to pay the higher out-of-state tuition rate. The student wanted to contest his being considered an out-of-state student.

The OM discovered that a new policy allowing refugees in-state status was being considered. She traced the new policy's progress through various parallel offices, both at SIUC and at Southern Illinois University at Edwardsville. She found that the policy was currently being reviewed by the Academic Affairs Vice President at Edwardsville. Indications were that the policy would probably be approved but not soon enough to be in affect by the following semester.

The OM discovered, however, that the student's financial aid would be adjusted to compensate for the discrepancy so that his federal BEOG was set at the out-of-state rate. Thus, his personal expenses for tuition and fees were greatly reduced.

4.5. Special Populations: Handicapped Students

4.5.93.A handicapped student with a sever speech impediment wanted another tutor for one of his courses because the tutor, a foreign graduate assistant, could not understand this student's speech.

The OM spoke to a secretary, who was familiar with the student, in the department providing the tutoring. She verified that the student had a problem with his tutor and

had needed to bring an interpreter with him to the tutoring sessions. The OM and the department secretary scheduled a tentative appointment with another tutor; and the secretary suggested that, since the student's biggest problem was getting his ideas across, he should type his lessons. The OM then heard from a graduate student in speech pathology about a speech clinic and therapy class that could help the handicapped students with his communication problem; however, the student already was enrolled in the clinic. Although the student had to cancel his appointment with the new tutor, he was able to find a friend to help him with his course.

4.5.94. A handicapped undergraduate student wanted to take a driver's education class designed for handicapped people and offered by the Evaluation and Developmental Center (EDC). He was not being allowed to register for the course because he was not currently being sponsored by the Department of Rehabilitative Services (DORS).

The OM was informed by the EDC office that students enrolling for the driver's education class were required to have been referred by DORS. This would require the student to maintain an open and active case records with DORS. The student had been removed from DORS funding because he had been placed on academic probation but thought he might still have active client status through the DORS office in his home town. The OM contacted the DORS office in the student's home town and learned that since the student's case had been inactive for over a year it had been closed. The student would have to reapply to the DORS office in Carbondale. The OM forwarded this information to the student, who was displeased because his current academic status would mean certain rejection of a new application to DORS. It appeared that the Student's only means of taking the driver's education course would be to pay for it himself rather than to be subsidized by the State.

4.5.95. A handicapped student was upset because the University had taken away the special vehicle he had been using to travel to and around campus. The student claimed that he owned the vehicle and that it had been altered to show that it was owned by the University while he was away during the summer. The student had found the vehicle locked when he returned to the University and had called the Security Police, who cut the lock and returned the vehicle to the student. The student had since received several letters from the Office of Specialized Student Services requesting that he return the vehicle.

When the OM visited the office which was requesting that the vehicle be returned, she was informed that the University had acquired the vehicle through DORS and had reassigned it to another handicapped student for use during the summer and fall semesters. Since the original user had taken possession of the vehicle again, the student to whom it since had been assigned was greatly inconvenienced. According to office policy, the original user was guilty of fraud by deception. It had been decided that in the event the student did not return the vehicle by the following day the student would be arrested. A letter had already been sent to the student warning him. The office representative further stated that 10 tickets per week had been issued to the student for transportation services provided by the University and that this number would be increased to 14 per week if the student would come to the office for

handicapped students to make the request. The OM forwarded this information to the student, who reacted by becoming more upset and accusing the OM of "being against him like everyone else was." The OM suggested that the student return the vehicle to avoid being arrested and informed him that DORS apparently owned the vehicle. The student indicated that he might retain an outside attorney to represent him and left the office, angry with the OM.

The OM later received a call from an attorney in the student legal assistance office, whom the student had contacted and complained to that the OM was "against" him. The student attorney was informed of the details of the case by the OM.

A week later the OM called the DORS office to find out if the student had been in touch with that office. She learned that the student had not contacted them but had turned in the vehicle. The student had not tried to obtain the extra transportation tickets, although they had been approved for him. DORS had ordered another vehicle for the student, and it would be available before winter. In the meantime, the student had a substitute vehicle which would allow him to manage. The student attorney contacted the OM shortly afterwards to say that the office could not represent this student. The attorney had no knowledge of whether the student had contacted a private attorney. The OM heard nothing further from the student.

4.6 Student-versus-Student Problems

4.6.96. A foreign student reported to the OM that his roommate had stolen his passport because of a disagreement over money. This loss presented a special because of a disagreement over money. This loss presented a special difficulty to the student because he had planned to visit his home country during the break between semesters, which would begin the following week.

The OM called the foreign student's national consulate in Houston and then informed the student of the necessary procedures for returning to his home country without the passport. Five days later, the foreign student contacted the OM again to tell her that his roommate had returned his passport but was now holding his bicycle until the student paid his portion of some utility bills.

The OM telephoned the foreign student's roommate to hear his version of the dispute. According to the roommate, the foreign student had told him he was not going to pay the utility bills; he further claimed that the foreign student did not intend to return to the United States from his home country. The OM arranged with the roommate that he would return the bicycle provided the foreign student would pay $65 toward the utility bills that as yet had not arrived. Upon the arrival of the bills, the roommate would send copies to the OM who would determine if the $65 had been enough or too much and forward the difference to the foreign student or send him a letter requesting the balance due to his roommate.

At the beginning of the next semester, the OM received a letter from the roommate along with the utility bills. The foreign student owed the roommate $17 beyond the original $65, and the roommate asked the OM to write to the foreign student, asking him to send the money. The OM checked the student directory and the admissions

and records office but was unable to obtain an address for the student. It appeared that the foreign student had remained in his home country, as his roommate had claimed he would. The OM wrote to the student at his home address to request the money but had received no reply after a month. She then wrote a letter to the roommate explaining the situation. A week later, the OM received a letter from the roommate demanding that she obtain the money from the foreign student or pay him the money herself. He further demanded that she write again to the foreign student, or preferably, to his father. He also suggested that the OM telephone the student's father in his home country. The OM wrote a letter to student's father. After another month during which no reply had been received, she wrote a letter to the roommate advising him that she had written the student's father and could do nothing more to help him obtain his money.

A week later, the OM received a letter and a check for $17 from the foreign student's father. She wrote to the roommate to tell him she had received the check and had deposited it in her bank account since it had been made out to her. She forwarded the proceeds to the roommate as soon as the check cleared.

4.6.97. A student (student A) was involved in an automobile accident with another student (student B). The accident was the fault of student B. Student B had expressed his desire to settle the damages without involving his insurance company. Student A had obtained damage estimates of $257, but her efforts to contact student B had been unsuccessful.

An employee in the OM's office knew student B and had had several encounters with this student in which he had lied. The OM and student A followed many possible leads to correctly identify and contact student B but were unable to find him. Two weeks after the accident, student B finally contacted student A and agreed to pay for the damages if student A would take her automobile to a garage of student B's choice. The OM advised student A that she was not obligated to do so. The OM discussed the matter with an attorney and found there was probably little else the OM could to intervene in the matter.

4.6.98. A student's thumb was broken during a fight with another student in an intramural game on campus. The other student wanted to accept responsibility for the incident and make some payments for medical expenses but was objecting to the $600 the injured student had claimed for pain and suffering. Both students were nearing graduation and wanted the matter cleared by mediation.

The OM met with both parties, separately, several times in an attempt to determine the amount of loss to the first student and an amount of compensation on which they could agree. The OM consulted with several attorneys with questions about the types of time loss normally included in calculations of compensation and settlement amounts typical for such injuries. The injured student also consulted her physician to determine the possibility of any need for future medical treatment.

The OM eventually had a joint meeting with the two parties, and they agreed that the injured student would be paid $500. An attorney was to draw up a final written agreement.

4.7 Other

4.7.99. A faculty member had recently moved to Carbondale from the eastern United States. He came to the OM's office on the day specified as the latest date of delivery of his furniture by the moving company he had employed. He had just learned from the company's Chicago office that his furniture had not been shipped yet. The faculty member wanted an explanation for the delay and reassurance that he would receive his belongings. He had attempted to telephone the Interstate Commerce Commission (ICC).

The OM called the moving company's Chicago office and was informed that the shipment was delayed in New York. The faculty member called and visited the OM office several more times, each time urging the OM to call the ICC and the movers but apparently was not very willing to make calls himself. The OM was not very successful with telephone calls; in fact, calls frequently did not reach anyone. After one week, the OM decided the client should write a letter to the moving company and send a carbon copy to the ICC. The OM typed this letter for the faculty member, who requested again that the OM check on the shipment's status several days later. The OM called the Chicago office a few more times but not as frequently as the client had requested. Two weeks later the furniture arrived.

4.7.100. A visiting professor from eastern Europe was tying to find out if he needed to file United States income tax returns. Nothing had been withheld from his paychecks, due to a tax treaty between his country and the United States. The personnel and payroll officers had not given him the information he needed to clarify the situation.

The OM called the Internal Revenue Service (IRS) toll free information number and was told it depended upon the type of visa the professor had. The OM checked with the professor; it was a nonimmigrant visa, issued for a period of one year. The OM called the IRS again and learned that the faculty member was required to file a 1040-NR form, which was available at the IRS office in a nearby town. However, this office did not have any instruction booklets for this form. The OM called the IRS and ordered the booklet and more forms; they arrived in two weeks. Unfortunately, the instructions were unclear to the faculty member, since his income was tax exempt, according to his country's treaty with the United States. Finally, the OM went to the Law School to study the treaty and filled out the federal and state tax forms for the professor. She also wrote a letter of explanation to accompany each form.

APPENDIX B

2003 Ombuds Profile Questions

THE OMBUDS PROFILE PROJECT: OMBUDS, WHO ARE THEY?

Please respond to the questions that are applicable to your practice. If the question is not relevant to ombudsing within your sector please indicate with a "N/A".

QUESTIONS

1) How did you come to be an ombuds?

2) How many years have you worked as an ombuds?

3) What is your educational background?

4) What work experiences & life experiences did you have prior to becoming an ombuds?

5) What type of institution do you work for?

6) Which community/communities do you serve and how large is/are they?

7) When was your office established and how did it come into existence?

8) How many people work in your office? What is the percentage of work time and job title for each.

9) Which office do you answer to?

10) How is your office funded?

11) Do the structural characteristics of your ombuds system compromise your ability to serve as an independent agent (e.g.-the person who funds you is also the person people are complaining about)? If so, what steps do you take to ensure that you remain neutral/impartial?

12) Are you of the persuasion that unless your office is "independent" you ought not use the title ombuds?

13) Do you use the term ombuds, ombudsman, ombudsperson, ombuds officer, other?

14) What category or type of ombuds do you consider yourself? Please specify and indicate why? (e.g., classical, executive, government, public, private, specialty, quasi, advocate, organizational, mediator, legislative, municipal, "real", "pseudo", other). If you don't know. Indicate that you don't know. If you are not sure, indicate that you are not sure.

15) Do you identify your category or type by the institution you serve or the community you serve (e.g., corporate ombuds, long-term care ombuds, child ombuds, newspaper ombuds)? If yes, Please define (e.g., I work for a university and I consider myself a part of the campus ombuds community). If you do not please indicate that you do not. If you are not sure, please indicate that you are not sure.

16) What is your greatest accomplishment?

17) Do you have a vision for the future of ombuds?

18) What education/events/readings have helped to shape your practice?

19) What do you find rewarding about the work?

20) What do you find challenging about the work?

21) What is the single most important tool you use as an ombuds?

22) Have you taken the Thomas Killman Conflict Mode test? If so, what were the results?

23) Have you taken the Kiersey personality test? If so, of the 16 personality types, which best describes you? If so, has it informed your practice http://www.keirsey.com/sixteenroles.html

24) Have you taken the Myers Briggs personality test? If so, what were the results? Has the information informed your practice?

25) Have you taken the Daniel Goleman's intelligence test? If so, what were the results? Has the information informed your practice?

26) If you were to self-assess what skills you have acquired through education, work, life experiences, which skills from which experiences do you use in your ombuds practice. Please associate what you learned from a specific experience that is transposed into a skill applicable to your practice. E.g., Mediation training gave me a better understanding of the nature of conflict, economics training cultivated my analytical problem solving skills which is helpful for evaluating a complaint, etc.)

27) Does your gender effect your practice? If so, how? If you don't know, please indicate.

28) If you were to self-assess your personality type, what would you say about the influence of your personality influence on your practice (roles, benefits/challenges, problem solving style, other)?

29) Do you attend professional ombuds conferences? If so, which ones and how often.

30) Are you a trained mediator?

31) Do you publish ombuds related work? If so, what articles have you published, and in which journals/books?

32) Do you network and discuss ombuds related issues with other ombuds working elsewhere?

33) What Standards of Practice do you adhere to if any (UCOA http://www.colorado.edu/Ombuds/UCOA/SOP.html , TOA http://www.ombuds-toa.org/code_of_ethics.htm , ABA http://www.wsdot.wa.gov/contact/aba.pdf , other)? If you don't know what Standards of Practice are please indicate. If you do, please indicate which Standards of Practice you adhere to and specify why.

34) Does your office have a mission statement? If so, what is it?

35) What is your perception of your basic function(s) as an ombuds?

36) What roles do you play when carrying out this/these functions? If you don't know. Indicate that you do not know. If you are not sure. Indicate that you are not sure.

37) What types of cases do you handle?

38) Do you recognize trends or common complaints? If so, what are they. Do you give feedback to the system in order to implement preventative measures.

39) Do you keep records on clients? If so, what type and for how long?

40) Do you publish annual reports? If so, how often and what do they include?

41) Do you write case studies? If so, how many have you written? Who has access to these case studies?

42) Do your clients sign any agreements before obtaining ombuds services? If so, what is it?

43) How do you receive complaints (over the phone, through the mail, face to face consultations, other).

44) Have you ever been subpoenaed as an ombuds? If so, how did you handle the situation?

45) Is continuing education a part of your practice? If so, what continuing education opportunities have you pursued?

46) Does your office fund your continuing education pursuits?

47) Have you attended ombuds training seminars? If so, which ones. How helpful would you rate them?
Very helpful
Helpful
Not helpful
Indifferent
Please explain.

48) Do you plan on continuing to practice as an ombuds? If so, why. If not, why.

49) What are your interests outside of ombudsing?

❖ Additional comments

Appendix C

2003 Ombuds Profile Raw Data
9 Responses

Carolyn Noorbakhsh
Anonymous Ombuds
Gin Denison
Ian Darling
Katherine Ziff
Michael Mills
Molly McAvoy
Neal Edgar
Patricia Lugo

The information will be organized as a similar fashion as the 2002 Ombuds Profile Project

CAROLYN NOORBAKHSH CORPORATE

Carolyn Noorbakhsh
Ombudsman, Coors Resolve
303-215-0711
carolyn.noorbakhsh@coors.com

Thank you Carolyn!

1) How did you come to be an ombuds?
The company interviewed internal candidates, and I was chosen.

2) How many years have you worked as an ombuds?
3

3) What is your educational background? (degrees held, certification programs, special training)
I have an MSW and practiced marriage and family therapy for 13 years before entering the EAP field. I came to my current company as an EAP.

5) What type of institution do you work for?
Manufacturing

6) Which community/communities do you serve and how large is it?
I work for a company of approx. 6,000.

7) When was your office established and how did it come into existence?
Jan. 2000, the company tested a new ADR program as a pilot program within the organization. The role of the ombudsman was one new component of the ADR program. It was launched to enhance morale and engagement of employees.

8) How many people work in your office? What is the percentage of work time and job title for each.
1 full time "O", (Myself), and 1 part-time admin. assist.

9) Which office do you answer to?
CEO

10) How is your office funded?
CEO's budget

11) Do the structural characteristics of your ombuds system compromise your ability to serve as an independent agent (e.g.-the person who funds you is also the person people are complaining about)? If so, what steps do you take to ensure that you remain neutral/impartial?
N/A

12) Are you of the persuasion that unless your office is "independent" you ought not use the title ombuds?
YES!

13) Do you use the term ombuds, ombudsman, ombudsperson, ombuds officer, other?
"Ombudsman"

14) What category or type of ombuds do you consider yourself? Please specify and indicate why? (e.g., classical, executive, government, public, private, specialty, quasi, advocate, organizational, mediator, legislative, municipal, "real", "pseudo", other). If you don't know. Indicate that you don't know. If you are not sure, indicate that you are not sure. -
Corporate

15) Do you identify your category or type by the institution you serve or the community you serve (e.g., corporate ombuds, long-term care ombuds, child ombuds, newspaper ombuds)? If yes, Please define (e.g., I work for a university and I consider myself a part of the campus ombuds community). If you do not please indicate that you do not. If you are not sure, please indicate that you are not sure.
Yes, I work for a manufacturing corporation and am part of the corporation.

16) What is your greatest accomplishment?
Providing conflict resolution training to thousands of employees, and changing lives for the better.

17) Do you have a vision for the future of ombuds?
Certification or licensure. Also privilege being recognized by all the courts. Lastly,
standardization of metrics used to establish value.

18) What education/events/readings have helped to shape your practice? -
TOA training as well as my background as a Social Worker.

19)What do you find rewarding about the work?
People generously share positive feedback regarding their experience with me.

20) What do you find challenging about the work? - **Navigating the politics**

21) What is the single most important tool you use as an ombuds? -**Listening**

22) Have you taken the Thomas Killman Conflict Mode test? If so, what were the results? - **Collaborator**

23) Have you taken the Kiersey personality test? If so, of the 16 personality types, which best describes you? If so, has it informed your practice.- **Haven't taken it**
http://www.keirsey.com/sixteenroles.html

24) Have you taken the Myers Briggs personality test? If so, what were the results? Has the information informed your practice? - **EN "X" J Only to the extent that I know what visitors are talking about if they've taken it, and share the info in conversation, (e.g.. my sup. is a "P" and I'm a "J")**

25) Have you taken the Daniel Goleman's intelligence test? If so, what were the results?
Has the information informed your practice? - **Haven't taken it**

26) If you were to self-assess what skills you have acquired through education, work, life experiences, which skills from which experiences do you use in your ombuds practice. Please associate what you learned from a specific experience that is transposed into a skill applicable to your practice. E.g., Mediation training gave me a better understanding of the nature of conflict, economics training cultivated my analytical problem solving skills which is helpful for evaluating a complaint, etc.) -
**Listening, interviewing and confrontation skills, (assertiveness skills), all learned from my undergraduate work in Communication and graduate work in
Social Work.**

27) Does your gender effect your practice? If so, how? If you don't know, please indicate.
I don't believe my gender effects my practice. My personality is more of a variable, and perhaps my personality is in part shaped by my gender (?)

28) If you were to self-assess your personality type, what would you say about the influence of your personality influence on your practice (roles, benefits/challenges, problem solving style, other)?
My gregariousness and sincerity opens doors, allows for considerable influence, builds trust, and invites collaborative processes to succeed. However, my lack of business acumen sometimes diminishes my credibility, and my detractors chalk off my work to that "fluff stuff".

29) Do you attend professional ombuds conferences? If so, which ones and

how often.
Annually

30) Are you a trained mediator?
Yes

31) Do you publish ombuds related work? If so, what articles have you published, and in which journals/books?
Haven't published

32) Do you network and discuss ombuds related issues with other ombuds working elsewhere? If so, what do you generally seek from such relationships?
Benchmarking, support and guidance.

33) What Standards of Practice do you adhere to if any
TOA

34) Does your office have a mission statement? If so, what is it?
We do not

35) What is your perception of your basic functions as an ombuds? -
Neutral, independent, confidential resource for resolving conflict; serving as "eyes and ears of the king" to identify problem areas and trends, and to offer intervention before reaching crisis stages. To serve as the company conscience, by advocating for fair processes that demonstrate the value of our people.

36) What roles do you play when carrying out this/these functions? If you don't know. Indicate that you do not know. If you are not sure. Indicate that you are not sure.
Coach, facilitator, advisor, mediator, change agent.

37)What types of cases do you handle?
Any work related conflict except benefits issues, which has it's own resolution process.

38) Do you recognize trends or common complaints? If so, what are they. Do you give feedback to the system in order to implement preventative measures.
Currently, the most common trend is that management is raising the bar, and previously adequate employees are no longer "cutting the mustard". I also see more emphasis on success via how we treat people, not just getting results at any cost. Some managers have trouble with the "how", when previously, they've only been measured on the "what".

39) Do you keep records on clients? If so, what type and for how long? -

Hand written notes to help me track status of "visitor's" case. When we agree that our work is concluded, notes are shredded. Aggregate data is tracked in the computer sans identifying info.

40) Do you publish annual reports? If so, how often and what do they include?
Quarterly reports are published with info on number of visitors, departments, age, gender, time w/ company, pay group, and nature of complaint.

41) Do you write case studies? If so, how many have you written? Who has access to these case studies?
Don't write them.

42) Do your clients sign any agreements before obtaining ombuds services? If so, what is it?
No documents are signed.

43) How do you receive complaints (over the phone, through the mail, face to face consultations, other).
Phone and face to face....far and away more face to face.

44) Have you ever been subpoenaed as an ombuds? If so, how did you handle the situation?
Never subpoenaed.

45) Is continuing education a part of your practice? If so, what continuing education opportunities have you pursued?
TOA offerings, advanced mediation training, relevant workshops, etc.

50) Does your office fund your continuing education pursuits?
Yes

51) Have you attended ombuds training seminars? If so, which ones. How helpful would you rate them?
Very helpful - They have all been very helpful, (101, 202, specialized courses) especially the latest offering of the Advanced course, (formerly 202)

52) Do you plan on continuing to practice as an ombuds? - Yes If so, why.
It is work that feels meaningful to me. If not, why.

53) What are your interests outside of ombudsing?
Travel, reading, sports.

ANONYMOUS OMBUDS

Misa,

Here you go. This is pretty sensitive stuff, so please guard it closely - it could be a problem for me here if it gets open disclosure.

ANON
In that some of the following information would identify the ombuds, I ask that the following information be kept in confidence. It is shared with the CCCUO for educational purposes only.

Thanks ANON!!! Wow!

1) How did you come to be an ombuds?
Applied for state job as environmental management consultant and found out after the fact that the position also served as the small business ombudsman for the department.

2) How many years have you worked as an ombuds? **Six**

3) What is your educational background? (degrees held, certification programs, special training)
BA in Biology from Southern Colorado State College in 1967 and an MS in Sociology from University of Northern Colorado in 1973. Also a graduate of the Air Force Senior Service School in strategic planning and management (1989) as well as numerous military courses in subjects ranging from emergency preparedness to total quality management.

4) What work experiences & life experiences did you have prior to becoming an ombuds?
Almost 30 years on active duty in the USAF serving primarily in the nuclear missile program - spent time in logistics, operations, acquisition, test, and headquarters staff. Served two overseas tours; one in southern Belgium building a Ground Launched Cruise Missile Base and another in southern Italy serving on the NATO infrastructure staff monitoring facilities and expenditures on military infrastructure in Turkey, Greece and Italy. During this period also served as NATO liaison officer to the UN Protection Forces in the former Yugoslavia helping stabilize the conflict situation and establish an environment suitable for a negotiated settlement of the hostilities there.

5) What type of institution do you work for?
State Department of Environmental Quality

6) Which community/communities do you serve and how large is it?

The entire state of Wyoming comprising approximately 500K citizens and 25K businesses.

7) When was your office established and how did it come into existence?
In the 1980s(?) via the state incorporation of the 1979 Clean Air Act into local statues

8) How many people work in your office? What is the percentage of work time and job title for each?

Currently 4 people in the office with jobs related to small business assistance and outreach as follows:

Ombudsman 50% of time - the remainder in special projects throughout the department
Technical Assistance Program Coordinator 100% of time
Pollution Prevention Program Coordinator 100% of time
Emergency Response Program Coordinator 100% of time

9) Which office do you answer to?
Aligned under the Administration Division in the Department of Environmental Quality

10) How is your office funded?
Through a combination of air quality permit fees, state funding and federal matching funds.

11) Do the structural characteristics of your ombuds system compromise your ability to serve as an independent agent (e.g.-the person who funds you is also the person people are complaining about)? If so, what steps do you take to ensure that you remain neutral/impartial?
While housed within the Department of Environmental Quality, our current alignment in the administrative division provides some separation from the regulatory aspects of the department. The tradeoffs of organizational separation versus regular contact with and first hand knowledge of regulatory issues makes this arrangement workable, but perhaps not optimum.

12) Are you of the persuasion that unless your office is "independent" you ought not use the title ombuds?
No. Our position and function is dictated by statute.

13) Do you use the term ombuds, ombudsman, ombudsperson, ombuds officer, other?
I serve as the Ombudsman.

14) What category or type of ombuds do you consider yourself? Please specify and indicate why? (e.g., classical, executive, government, public, private, specialty, quasi, advocate, organizational, mediator, legislative, municipal, "real", "pseudo", other). If

you don't know. Indicate that you don't know. If you are not sure, indicate that you are not sure.
Because I serve in a state agency, I am a government ombudsman, but I serve private sector businesses as well as municipalities and other government entities.

15) Do you identify your category or type by the institution you serve or the community you serve (e.g., corporate ombuds, long-term care ombuds, child ombuds, newspaper ombuds)? If yes, Please define (e.g., I work for a university and I consider myself a part of the campus ombuds community). If you do not please indicate that you do not. If you are not sure, please indicate that you are not sure.
See answer 14 above.

16) What is your greatest accomplishment?
Surviving 6 years of walking on top of the fence between the businesses I am charged to serve and an administration that doesn't value the ombudsman's role.

17) Do you have a vision for the future of ombuds?
My vision doesn't extend to the entire body of Ombudspersons - I can barely see the light at the end of my own tunnel. For me it is developing senior level support for a true ombudsman function and through that change, providing more comprehensive and effective service to the businesses I would like to help.

18) What education/events/readings have helped to shape your practice?
I learned about the ombudsman function while serving in the Air Force so have been familiar with the concept for some time. Currently, the Ombudsman Assn List Serve is a real stimulus for me to keep track of global ombudsman issues - I follow leads from that list serve to numerous readings and one-on-one communications.

19) What do you find rewarding about the work?
On the rare occasion I get to really work an ombudsman case (less than a handful in six years), I very much enjoy the opportunity to help businesses in need. There are other more frequent times when I discover problems and help businesses deal with them before traditional ombudsman action is required. Those are good experiences too.

20) What do you find challenging about the work?
The most difficult issue I deal with is lack of senior staff support within my own organization. I have been directed not to advertise my services to the general public and told in clear terms that I am not to seek out or intervene in cases where ombudsman action would normally be exercised.

21) What is the single most important tool you use as an ombuds?

At this point, it is networking to learn from others who are more directly involved in ombudsman actions - the best way to prepare myself for the day I'll get permission to be more appropriately active.

22) Have you taken the Thomas Killman Conflict Mode test? If so, what were the results? **No**

23) Have you taken the Kiersey personality test? If so, of the 16 personality types, which best describes you? If so, has it informed your practice. **No**

24) Have you taken the Myers Briggs personality test? If so, what were the results? Has the information informed your practice?
Yes, I came out as an INTJ with a fairly middle number between Thinking and Feeling

25) Have you taken the Daniel Goleman's intelligence test? If so, what were the results?
Has the information informed your practice? **No**

26) If you were to self-assess what skills you have acquired through education, work, life experiences, which skills from which experiences do you use in your ombuds practice. Please associate what you learned from a specific experience that is transposed into a skill applicable to your practice. E.g., Mediation training gave me a better understanding of the nature of conflict, economics training cultivated my analytical problem solving skills which is helpful for evaluating a complaint, etc.)
I have strong organizational skills based on my years in the military and rate high on tests in demonstrating the ability to integrate diverse information into usable formats for decision making. My training and experience with TQM give me tools to help identify problem areas and potential solutions. I served for over three years as an Air Force base level Inspector General taking complaints from unit personnel, investigating those problems in depth and resolving them - in most cases to the betterment of all concerned - perfect training for ombudsman work. My experience with NATO and the UN gave me first hand experience in high tension and high stake negotiations on a grand scale. I also have been able to work several collaborative efforts in the department in the past few years to hone my group facilitation skills.

27) Does your gender effect your practice? If so, how? If you don't know, please indicate. **No.**

28) If you were to self-assess your personality type, what would you say about the influence of your personality influence on your practice (roles, benefits/challenges, problem solving style, other)?
I suspect I appear too strong and perhaps professionally dangerous to my senior leadership to allow me free reign in performing traditional ombudsman duties. The risk of the department getting a black eye from unfettered ombudsman work is perhaps viewed as not prudent. My real

challenge for now is developing enough trust at that level that I will be allowed to function.

29) Do you attend professional ombuds conferences? If so, which ones and how often.
I do attend the national Small Business Ombudsman conference each year (save one when I was not allowed to go). I also look for opportunities for professional growth in other venues and take advantage of all I can.

30) Are you a trained mediator?
Not formally trained, but quite experienced as referenced above.

31) Do you publish ombuds related work? If so, what articles have you published, and in which journals/books?
No, except for the annual SBO Report all state Small Business Ombudsmen submit to EPA each year. It doesn't include much if any information of interest or value to traditional ombudsmen. While the Small Business Ombudsman program called for in the Clean Air Act may have had a good start and is still doing some good work, it doesn't in fact have a significant ombudsman function.

32) Do you network and discuss ombuds related issues with other ombuds working elsewhere? If so, what do you generally seek from such relationships?
Constantly. I seek ideas on how to make progress from where I am today to what I would like to see in the future.

33) What Standards of Practice do you adhere to if any (toa.org/code_of_ethics.htm , ABA http://www.wsdot.wa.gov/contact/aba.pdf , other)?
None - I am not allowed to serve in this function.

34) Does your office have a mission statement? If so, what is it?
No. There is an overview of services provided by our outreach office (see http://deq.state.wy.us/out/index.asp?pageid=14), but no reference to the ombudsman function is included.

35) What is your perception of your basic function(s) as an ombuds?
Our department needs to say it has one, but rarely if ever wants any related action taken.

36) What roles do you play when carrying out this/these functions? If you don't know. Indicate that you do not know. If you are not sure. Indicate that you are not sure.
I keep up with ongoing ombudsman activities around the world and try to stay prepared to act as an ombudsman when given the authorization to do so.

37) What types of cases do you handle?
On very rare occasions, I am asked to intervene in cases where our Department Head recognizes that an enforcement problem exists and wants to avoid a messy litigation. In those cases, I am asked to see if I can find a

way to defuse the situation. I always get clear instructions that I am not to act as an advocate for the offending party, but rather try to find a solution that will work for everyone. Usually I do.

38) Do you recognize trends or common complaints? If so, what are they. Do you give feedback to the system in order to implement preventative measures.
I think this is very fertile ground and would significantly improve the service I could provide, but I can't do it now/yet.

39) Do you keep records on clients? If so, what type and for how long?
I kept records of contact for about 2 years until it became clear they were a liability. The confidentiality issue reared its head several times and my hierarchy told me to back off. I did.

40) Do you publish annual reports? If so, how often and what do they include?
Yes, see question 31 above.

41) Do you write case studies? If so, how many have you written? Who has access to these case studies? **No.**

42) Do your clients sign any agreements before obtaining ombuds services? If so, what is it? **No.**

43) How do you receive complaints (over the phone, through the mail, face to face consultations, other).
Rarely hear any, but when I do, they are usually by either phone or e-mail.

44) Have you ever been subpoenaed as an ombuds? If so, how did you handle the situation? **No.**

45) Is continuing education a part of your practice? If so, what continuing education opportunities have you pursued?
Yes, see question 29 above - things like seminars on collaboration, conferences, management courses, etc..

50) Does your office fund your continuing education pursuits?
Sometimes - I have to be careful what I ask for and how I ask.

51) Have you attended ombuds training seminars? If so, which ones. How helpful would you rate them?
Yes, if you count the annual SBO conference sessions mentioned at question 29 above. Overall, I found them to be helpful in my small business assistance work, but not really to the point concerning ombudsman activities - there are few if any SBOs in this program who are really doing ombudsman work.

52) Do you plan on continuing to practice as an ombuds? If so, why. If not, why.

Absolutely. I have a dream of being able to do this right some day.

53) What are your interests outside of ombudsing?
Professionally, I do lots of other work which keeps me going. Right now in addition to my small business assistance outreach activities, I'm serving as co-chair of the Western Regional Air Partnership Communications Committee (see www.wrapair.org) and producing a video on the collaborative process used to make critical decisions on the closure and reuse of the Amoco oil refinery property in Casper Wyoming - a significant breakthrough in RCRA remediation and community planning. These projects are both challenging and rewarding, giving me the job fulfillment I need to cope until I can build our ombudsman program to the level it deserves.

54) Additional comments
This survey is a good tool. I plan to use it to help educate others about how the ombudsman program should be working.

HUMANSERVICES
State Agency
GIN DENISON

Thanks Gin!
Please look to the questionnaire to determine questions. Due to a "time crunch" I was unable to cut and paste the appropriate questions.

1. appointed by Governor in 1990
2. 13 years
3. 17 years of school - lots of college, background is in nursing and medical administration; trained in mediation dispute resolution.
4. Nurse, cancer survivor, small business owner, marketing and public information officer for tri-county federally funded employment and training program. Parent
5. Human Services - state agency
6. State wide services for all social service/ welfare programs
7. Governor's Advocacy Office for Department of Human Services was established in 1993, under the direction of the Governor at that time.
8. At the current time there four ombudsmen (down from eight when funding was available). 1-Administrator (have management oversight for the State's Pain Management Program and the ADA programs as well); 1-lead ombudsman/supervisor;
2 additional ombudsman staff
9. The reporting authority is to the Director of the Department of Human Services
10. The office is funded by a pro-rate to all of the programs within the Department. With exception of the Children's Ombudsman function which is funded by a $1 fee for all birth, adoption and divorce records.
11. yes - at times it is difficult. It would better serve the public if this office was independent or answered to the Governor.
12. yes - we use the term advocate or public representative.
13. staff do use Ombudsman as that is the title of the office
14. By statute we are the Children's Ombudsman. However we are presenting a legislative concept at our upcoming legislative session asking that the name be changed to Children's Advocate as that is the actual role we play. we are government agency ombudsman
15. Institution we serve - and populations within social services which includes mental health, developmental disabled, senior, general disabled populations, children, families.
16. Ability to remain neutral and to pursue what is right, to make sure the social programs are following policy and procedure.
17. Not at this time - our state is in turmoil, funding for social services are on the cutting board, staff will soon receive pink slips. Ask me next year if our office is still here, I could provide an answer.
18. Mediation/dispute resolution training

19. Making a difference in a life; saving a life, righting a wrong
20. Not only being attached from the public outside the agency, but internal turf issues from programs who do not want actions questioned.
21. Juggling time; helping the public understand law and policy and why it cannot be changed to fit their individual need. - walking a fine line between all branches of government, advocacy groups, general public and still doing a good job and making a difference.
22. no
23. no
24. yes - can't remember as I have participated in this exercise 4-5 times and it has not come out the same.
25. no
26. Ability to see the big picture in any situation. Ability to remain fair and neutral. Not taking it personally when an irate citizen verbally attacks. Ability to stay centered and not allow the very serious and traumatic issues we deal with daily to undermine the work I do or to make me ill. Work daily to stay centered so as not to experience burnout - add lots of humor to my world.
27. no
28. fair minded, non-judgmental; gather all sides of an issue before making a decision - ability to empathize when appropriate, to empower when possible, and to never enable the continuation of bad behavior. Even when difficult, I can tell a person bad news.
29. Not any longer - funding is a problem, and frankly I did not gain anything from those attended in the past other than the opportunity to network.
30. Yes
31. no
32. within the state
33. none listed
34.
35.
36.

Don't have time to complete - sorry

Comments appended in the text of your message.

Ian Darling
Ombudsperson
Fanshawe College

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1460 Oxford St. E, P.O. Box 7005
London ON N5Y 5R6
www.fanshawec.on.ca/ombuds
Thanks Ian!

QUESTIONS

1) How did you come to be an ombuds?
Expertise in organizational conflict.

2) How many years have you worked as an ombuds?
2.5

3) What is your educational background? (degrees held, certification programs, special training)
MA Conflict resolution

5) What type of institution do you work for?
College

6) Which community/communities do you serve and how large is it?
Students 13 000 full time 40 000 part time

7) When was your office established and how did it come into existence?
Fall 1993

8) How many people work in your office? What is the percentage of work time and job title for each.
1 @ 80%

9) Which office do you answer to?
President

10) How is your office funded?
50% by college, 50% by student union

11) Do the structural characteristics of your ombuds system compromise your ability to serve as an independent agent (e.g.-the person **who funds you is also the person people are complaining about)? If so, what steps do you take to ensure that you remain neutral/impartial?**

There are not any real alternatives to current structure. I report to the President, and he tends not to be complained about directly.

12) Are you of the persuasion that unless your office is "independent" you ought not use the title ombuds?
Yes, but I also am aware that there is wide range as to what independent means.

13) Do you use the term ombuds, ombudsman, ombudsperson, ombuds officer, other?
Depends on my mood, I use all of the above, except for ombuds officer

14) What category or type of ombuds do you consider yourself? Please specify and indicate why? (e.g., classical, executive, government, public, private, specialty, quasi, advocate, organizational, mediator, legislative, municipal, "real", "pseudo", other). If you don't know. Indicate that you don't know. If you are not sure, indicate that you are not sure.
My practice is a hybrid of classical and organizational models.

15) Do you identify your category or type by the institution you serve or the community you serve (e.g., corporate ombuds, long-term care ombuds, child ombuds, newspaper ombuds)? If yes, Please define (e.g., I work for a university and I consider myself a part of the campus ombuds community). If you do not please indicate that you do not. If you are not sure, please indicate that you are not sure.
University and college community.

16) What is your greatest accomplishment?
Establishing trust

17) Do you have a vision for the future of ombuds?
Not really

18) What education/events/readings have helped to shape your practice?
MA, conferences (ombuds specific and general ADR)

19) What do you find rewarding about the work?
helping resolve cases.

22) Have you taken the Thomas Killman Conflict Mode test? If so, what were the results?
No

23) Have you taken the Kiersey personality test? If so, of the 16 personality types, which best describes you? If so, has it informed your practice.
http://www.keirsey.com/sixteenroles.html
No

24) Have you taken the Myers Briggs personality test? If so, what were the results? Has the information informed your practice?

No

25) Have you taken the Daniel Goleman's intelligence test? If so, what were the results?
Has the information informed your practice?
No

27) Does your gender effect your practice? If so, how? If you don't know, please indicate.
no

29) Do you attend professional ombuds conferences? If so, which ones and how often.
yes, Association of Canadian College and University Ombudspersons twice a year. OLF every four years, and plan to attend Forum of Canadian Ombudsman conferences once they start.

30) Are you a trained mediator?
Yes

31) Do you publish ombuds related work? If so, what articles have you published, and in which journals/books?
not as ombuds. I do have prior publications.

32) Do you network and discuss ombuds related issues with other ombuds working elsewhere? If so, what do you generally seek from such relationships?
yes. I enjoy that they have similar perspective on the work we do. It is also a good forum for discussion about general trends, and issues as well as specific problems.

34) Does your office have a mission statement? If so, what is it?
Currently under review.

35) What is your perception of your basic function(s) as an ombuds?
Facilitate fair resolution of complaints. Investigate and make recommendations as appropriate.

36) What roles do you play when carrying out this/these functions? If you don't know. Indicate that you do not know. If you are not sure. Indicate that you are not sure.

37) What types of cases do you handle?
Concerns about all aspects of life at the college.

38) Do you recognize trends or common complaints? If so, what are they. Do you give feedback to the system in order to implement preventative measures.
Yes. I report on trends both through Annual report and issue-specific trends.

39) Do you keep records on clients? If so, what type and for how long?

Yes. Case details, personal notes and contact information. They are kept for three years.

40) Do you publish annual reports? If so, how often and what do they include?
Yes. Annual reports are inherently issues once a year. The AR reports on trends, issues of concern, statistical data, case studies and recommendations.

41) Do you write case studies? If so, how many have you written? Who has access to these case studies?
Case studies are a component of each of the annual reports (on average of three per report). Case studies are also important components of education and outreach programs I conduct. Case studies are written in a manner which would exclude any identifying information.

42) Do your clients sign any agreements before obtaining ombuds services? If so, what is it?
General waiver about confidentiality. It is accompanied by an explanation of the role of the Ombuds

43) How do you receive complaints (over the phone, through the mail, face to face consultations, other).
In order of frequency: Face to face; phone; e-mail; mail

44) Have you ever been subpoenaed as an ombuds? If so, how did you handle the situation?
No.

45) Is continuing education a part of your practice? If so, what continuing education opportunities have you pursued?
Yes. Courses and conference on Ombuds and ADR topic.

50) Does your office fund your continuing education pursuits?
Yes

51) Have you attended ombuds training seminars? If so, which ones. How helpful would you rate them?
Very helpful
Helpful
Not helpful
Indifferent
Please explain.
OLF introduction to Ombuds. I found it too basic.

52) Do you plan on continuing to practice as an ombuds? If so, why. If not, why.
Yes. If not I would not have a job.

UNIVERSITY
Katherine Ziff

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QUESTIONS

1) How did you come to be an ombuds?
I was asked to apply for the job by a person working in the ombuds office.

2) How many years have you worked as an ombuds?
Just completed Year One.

3) What is your educational background? (degrees held, certification programs, special training)
BA, sociology
MA in Urban Affairs and Public Policy
MAEd in counselor education; licensed as a school counselor in Ohio
Am currently ABD in PhD program in counselor education at Ohio Univ.
Trained as a mediator; certified as a trainer for the Ohio Dept. of Job and Family Services

4) What work experiences & life experiences did you have prior to becoming an ombuds?
Out of college I worked for N.C. dept. of natural resources and community development to develop housing for rural low income persons. Then got a degree in public policy and worked in Philadelphia for 5 years in advertising and public policy research. Then was self employed for 10+ years as a focus group moderator.
Then had a child at age 35 and didn't want to travel so much any more plus wanted life to be more serviceful so I became a school counselor. Worked in N.C. as an elementary and high schoolcounselor. Moved to SE Ohio (Appalachia) 41/2 years ago and began the counselor education phd program. Began working as assistant ombuds at OU last year. I love the work!

5) What type of institution do you work for?
a public university

6) Which community/communities do you serve and how large is it?
The university community: 19,000+ students plus faculty and staff.

7) When was your office established and how did it come into existence?
On my to do list for the winter break is to do a little history on the ombuds office. I believe it has been in existence for 20+ years and began with a half time faculty who served as ombuds.

8) How many people work in your office? What is the percentage of work time and job title for each.
A tenured faculty is university ombuds and I am assistant ombuds. We both have half time appointments. We have 4 work study students who staff the reception office.

9) Which office do you answer to?
Provost

10) How is your office funded?
Through a regular budget through the provost office.

11) Do the structural characteristics of your ombuds system compromise your ability to serve as an independent agent (e.g.-the person who funds you is also the person people are complaining about)? **Generally, No.**

12) Are you of the persuasion that unless your office is "independent" you ought not use the title ombuds?
Not aware of this particular

13) Do you use the term ombuds, ombudsman, ombudsperson, ombuds officer, other?
Our office is officially the office of the university ombudsman.
But we go by ombuds. That's what our sign and materials say.

14) What category or type of ombuds do you consider yourself? Please specify and indicate why? (e.g., classical, executive, government, public, private, specialty, quasi, advocate, organizational, mediator, legislative, municipal, "real", "pseudo", other). If you don't know. Indicate that you don't know. If you are not sure, indicate that you are not sure. **Not sure.**

15) Do you identify your category or type by the institution you serve or the community you serve (e.g., corporate ombuds, long-term care ombuds, child ombuds, newspaper ombuds)? If yes, Please define (e.g., I work for a university and I consider myself a part of the campus ombuds
> community).

Yes, I work for the university and serve the university community. We also serve several regional campuses. If you do not please indicate that you do not. If you are not sure, please indicate that you are not sure.
16) What is your greatest accomplishment? **Getting through Year One!**

17) Do you have a vision for the future of ombuds? **Not yet.**

18) What education/events/readings have helped to shape your practice?
Going to the Ombuds conference in Washington last spring, taking the new ombuds training.

19) What do you find rewarding about the work?
Getting to try to help solve problems. Having a certain degree of autonomy and flexibiity.
Opportunity to be creative. Also, new and different problems to work on.

20) What do you find challenging about the work?
Trying to meet demand within a half time job.

21) What is the single most important tool you use as an ombuds?
The phone.

22) Have you taken the Thomas Killman Conflict Mode test? If so, what were the results? **No.**

23) Have you taken the Kiersey personality test? If so, of the 16 personality types, which best describes you? If so, has it informed your practice. http://www.keirsey.com/sixteenroles.html **INFJ.**

24) Have you taken the Myers Briggs personality test? If so, what were the results? Has the information informed your practice?
INFJ. As an introvert, I am better if I have a little time to think over suggestions/courses of action.

26) If you were to self-assess what skills you have acquired through education, work, life experiences, which skills from which experiences do you use in your ombuds practice.
Counseling skills definitely. And now mediation skills.

27) Does your gender effect your practice? If so, how? If you don't know, please indicate. **Not sure.**

28) If you were to self-assess your personality type, what would you say about the influence of your personality influence on your practice (roles, benefits/challenges, problem solving style, other)?
Probably my introversion, as it is strong, makes it necessary for me to have at least a

little quiet or alone time every day. The NF helps me with empathy with others. On the MMPI I have a small (within one sd!) blip on deviant thinking. I think this helps me with creativity.

29) Do you attend professional ombuds conferences? If so, which ones and how often.
So far I have been to the joint UCOA/TOA conference in Washington. Am planning to go to Denver in the spring.

30) Are you a trained mediator? **yes**

31) Do you publish ombuds related work? If so, what articles have you published, and in which journals/books? Not ombuds work yet.
Just published an article on women's career development in the fall Journal of Career Development.

32) Do you network and discuss ombuds related issues with other ombuds working elsewhere? If so, what do you generally seek from such relationships?
Yes. Consultation on cases/visitors.

33)What Standards of Practice do you adhere to if any If you don't know what Standards of Practice are please indicate. If you do, please indicate which Standards of Practice you adhere to and specify why.
UCOA. Because I work in a university and belong to UCOA

34) Does your office have a mission statement? If so, what is it? **YES, but it is too long to write here.**

35) What is your perception of your basic function(s) as an ombuds?
Help people solve problems, find resources, and suggest to university things policies/situations that need may addressing.

36) What roles do you play when carrying out this/these functions? If you don't know.
Question unclear.

37) What types of cases do you handle? **You name it**

38) Do you recognize trends or common complaints? If so, what are they. Do you give feedback to the system in order to implement preventative measures. **Yes**

39) Do you keep records on clients? If so, what type and for how long?
Desk notes of minimal info to job memory which we shred at end of quarter or sooner.
40) Do you publish annual reports? If so, how often and what do they include?
Yes, annually. stats on type of problems/issues and category of visitor (faculty, staff, student, etc.) Also some remarks on trends.

41) Do you write case studies? If so, how many have you written? Who has access to these case studies? **No, none whatsoever.**

42) Do your clients sign any agreements before obtaining ombuds services? If so, what is it? **No, we give them out brochure and explain our confidentiality policy and the exceptions to it.**

43) How do you receive complaints (over the phone, through the mail, face to face consultations, other).
All of the above plus email.

44) Have you ever been subpoenaed as an ombuds? **No**

45) Is continuing education a part of your practice? **Yes**
If so, what continuing education opportunities have you pursued?
university coursework on legal and ethical issues for counselors, UCOA training.

50) Does your office fund your continuing education pursuits? **Yes**

51) Have you attended ombuds training seminars? If so, which ones.
How helpful would you rate them? **Very helpful. UCOA conference.**

52) Do you plan on continuing to practice as an ombuds? **If so, why.Yes. I like the job and the nature of the work and my colleagues.**

53) What are your interests outside of ombudsing? **Dissertation. Taking hikes. Family. Visual arts.**

Michael Mills
City Government

Misa: Sorry there are a few answers missing. I hope this is helpful. If possible, please share with me your results. Michael

QUESTIONS

How did you come to be an Ombuds?

I HAD WORKED FOR A NUMBER OF YEARS AS A CITY PLANNER IN THE MIDST OF A

CONFLICT BETWEEN A LOCAL GOVERNMENT AND A FEDERAL GOVERNMENT AGENCY. MY ROLE WAS LARGELY TO PROTECT THE INDIVIDUAL RIGHTS OF THE CITIZENS OF THE LOCAL GOVERNMENT (WASHINGTON STATE). AFTER MOVING TO ANOTHER STATE, I LATER APPLIED FOR THE OMBUDSMAN POSITION, AND WAS APPOINTED BY THE LEGISLATIVE BODY (ANCHORAGE, ALASKA). UPON RETURNING TO OREGON, I CONTACTED CITY OF PORTLAND MAYOR-ELECT VERA KATZ AND SUGGESTED THAT SHE CREATE AN OMBUDSMAN OFFICE FOR THE CITY OF PORTLAND. SHE CREATED AN EXECUTIVE STYLE OMBUDSMAN POSITION. 8 YEARS LATER, WITH THE MAYOR'S SUPPORT, A MORE INDEPENDENT OMBUDSMAN WAS CREATED BY STATUTE UNDER THE ELECTED CITY AUDITOR. I WAS HIRED INTO THAT POSITION IN JANUARY OF 2001.

What category or type of ombuds do you consider yourself?

LOCAL GOVERNMENT OMBUDSMAN CREATED BY STATUTE. GENERAL JURISDICTION,
SERVING THE PEOPLE OF THE LOCAL GOVERNMENT.

What type of institution do you work for?

CITY GOVERNMENT.

What is your educational background?

B.A. DEGREE,
(COMMUNITY PLANNING AND DEVELOPMENT, CULTURAL ANTHROPOLOGY, POLITICAL SCIENCE, ENVIRONMENTAL LAW)

What work experience did you have prior to becoming an ombuds?

LOCAL GOVERNMENT, (COMMUNITY PLANNING AND DEVELOPMENT, AND ELECTED CITY COUNCILMEMBER)

What is your personality type (if known, using the Kiersey temperament sorter? The Myers-Briggs?)

SORRY, I CAN'T REMEMBER.

What is your conflict management style (if known, using the Thomas Killman Conflict Mode Instrument).

UNKNOWN.

What is your emotional intelligence (if known, using the Richard Boyatzis and Daniel Goleman emotional intelligence indicator).

UNKNOWN.

How many years have you worked as an Ombuds?

16 YEARS.

Which community do you serve and how large is it?

CITY OF PORTLAND, OREGON. POPULATION OF 600,000. APPROX. 4,000 EMPLOYEES.

When was your office established and how did it come into existence?

CURRENT MODEL ESTABLISHED IN JAN. 2001.
(CITY OF PORTLAND MAYOR-ELECT VERA KATZ CREATED AN EXECUTIVE STYLE OMBUDSMAN OFFICE IN JAN. 1993. 8 YEARS LATER, A MORE INDEPENDENT OMBUDSMAN WAS CREATED BY STATUTE UNDER THE ELECTED CITY AUDITOR. I WAS HIRED INTO THAT POSITION IN JANUARY OF 2001.)

Which office do you answer to?

THE ELECTED CITY AUDITOR.

What is your greatest accomplishment?

CRACKING THE SHELL OF THE CITY BUREAU THAT REGULATES BUILDING AND DEVELOPMENT, MOST IMPORTANTLY, INITIATING CHANGE IN HOW THE CITY APPLIES
PENALTIES AND FINES THROUGH ITS ENFORCEMENT MECHANISMS.
WORKING TO INCREASE FAIRNESS IN HOW THE CITY ENFORCES ITS CODES.

Do you have a vision for the future of Ombuds?

THAT MOST CITIZENS, WHEN FACED WITH A GRIEVANCE WITH THE CITY GOVERNMENT, WILL HAVE KNOWLEDGE OF AND ACCESS TO AN OMBUDSMAN, AND THE OFFICE WILL HAVE THE CAPABILITY TO INVESTIGATE, RECOMMEND AND/OR REPORT ITS FINDINGS IN ORDER TO IMPROVE FAIRNESS AND EQUITY IN GOVERNMENT SERVICES.

What education/events/readings have helped to shape your practice?

INTERNATIONAL TRAVEL WHICH ALLOWED ME TO APPRECIATE OTHER CULTURES AND DIFFERING PERSPECTIVES. (i.e. - IRAN, AFGHANISTAN, PAKISTAN, INDIA, NEPAL,
THAILAND, TAIWAN, MEXICO...)

What do you find rewarding about the work?

HAVING THE FREEDOM TO INDEPENDENTLY INVESTIGATE ANY COMPLAINT OR ISSUE

WITHIN OUR BROAD JURISDICTION, AND USE MY OWN JUDGEMENT AND INTERPRETATION OF THE PUBLIC TRUST TO EVALUATE FAIRNESS AND TO RECOMMEND SOLUTIONS OR IMPROVEMENTS TO A SITUATION OR SYSTEM.

What do you find challenging about the work?

FACING PROBLEMS WHERE SOLUTIONS ARE SEEMINGLY UNREACHABLE, DUE OFTEN TO FISCAL STRUCTURE; OR, WHERE A LOCALIZED UNWILLINGNESS TO CONSIDER
ALTERNATIVES OBSTRUCTS OBJECTIVE AND PROGRESSIVE THINKING.

What is the single most important tool you use as an ombuds?

1. STATUTORY POWERS TO INVESTIGATE AND, WHEN NECESSARY, ISSUE PUBLIC
REPORTS.

2. SUPPORT OF THE ELECTED OFFICIALS. CITY COUNCIL SUPPORT, BOTH STATUTORILY AND FINANCIALLY, OF INDEPENDENT OVERSIGHT OF "THEIR" GOVERNMENT SERVICES. IN OTHER WORDS, THE ELECTED OFFICIALS CREATING AND SUPPORTING AN OVERSIGHT FUNCTION, OUTSIDE OF THEIR CONTROL, WHICH MAY SUBJECT THEM TO POLITICAL HAZARDS. JUST AS IMPORTANTLY, SUPPORT FROM THE ELECTED AUDITOR, FOR PRESENTING AND PRESERVING THE CONCEPT IN A BUDGET-REDUCING CLIMATE.

Molly McAvoy
UNIVERSITY

Ombudsman
Hamline university

Thanks Molly!!

Misa,

My responses to the questionnaire are below, I do apologize for the delay and wanted to thank you for your patience with us stragglers! Good luck with your research and writing, I would be very interested to see your findings.

If there is anything else I can help you with, please don't hesitate to contact me.
Molly

Molly McAvoy
Ombudsman
Hamline University
651-523-2484
mmcavoy@gw.hamline.edu

QUESTIONS

1) How did you come to be an ombuds?
At Hamline, Ombuds are nominated by University Council (made up of reps from students, faculty, staff, and administration, headed by the Provost), and then the entire University community votes. Originally, there were two of us elected, one for a two-year term and me for a one-year term. That was 4.5 years ago!

2) How many years have you worked as an ombuds?
4.5 years. I also serve in a full-time capacity as a University Administrator.

3) What is your educational background? (degrees held, certification programs, special training)
I have a B.A. in Psychology, a Masters in Public Administration with a conflict emphasis, many mediation courses, negotiation, crisis-mediation, and the following TOA courses:
Ombudsman 101, Ombudsman 202, Facilitating with Finesse, Ombudsing Under Stress, Communication Across Cultures.

4) What work experiences & life experiences did you have prior to becoming an ombuds?
I am also an Administrator in the Graduate School of Education, and serve as a liaison to many university offices and departments.

5) What type of institution do you work for?
University (College of Liberal Arts, Law School, Graduate Schools)

6) Which community/communities do you serve and how large is it?
Total Hamline community: approx. 4000
CLA: 1784
Law School: 520
Graduate Schools:1343
Faculty/Staff: approx. 400

8) How many people work in your office? What is the percentage of work time and job title for each.
There are 2 ombuds who provide the service in addition to full-time jobs at the university. This academic year, the other ombuds is on

sabbatical, so it is just me. Overall, I probably spend about 15-20% of my time on this, and that is taking into account calls, visits, investigation, research, committee work, professional development, etc. It can vary greatly depending on the time of year (the end of the academic year is crazy).

9) Which office do you answer to?
Officially, I report to the Provost, and do a yearly report to University Council, but in reality, I don't really have much contact with the Provost.

10) How is your office funded?
The money comes from the Provost's budget. We are not paid for the ombuds work, it is seen as a service to the community, but we are provided training and the Provost's budget pays for publications and professional memberships.

11) Do the structural characteristics of your ombuds system compromise your ability to serve as an independent agent (e.g.-the person who funds you is also the person people are complaining about)? If so, what steps do you take to ensure that you remain neutral/impartial?
I have never felt threatened by this, a few times the Provost has been mentioned in cases, but they never developed. I think that he understands my position well enough to not use money as leverage. When I explain to visitors what I do, I always explain that my relationship with the Provost is one of simple reporting of facts, no more.

12) Are you of the persuasion that unless your office is "independent" you ought not use the title ombuds?
Yes, perception is reality and if anyone sees me as an advocate for anyone, I lose credibility.

13) Do you use the term ombuds, ombudsman, ombudsperson, ombuds officer, other?
I use ombuds, ombudsman, used to use ombudsperson but use that less lately.

14) What category or type of ombuds do you consider yourself? Please specify and indicate why? (e.g., classical, executive, government, public, private, specialty, quasi, advocate, organizational, mediator, legislative, municipal, "real", "pseudo", other). If you don't know. Indicate that you don't know. If you are not sure, indicate that you are not sure.
I consider myself a University/Organizational Ombuds. I serve all parties at the University, and am not an advocate.

15) Do you identify your category or type by the institution you serve or the community you serve (e.g., corporate ombuds, long-term care

ombuds, child ombuds, newspaper ombuds)? If yes, Please define (e.g., I work for a university and I consider myself a part of the campus ombuds community). If you do not please indicate that you do not. If you are not sure, please indicate that you are not sure.
I define my category by the institution I serve, I serve the entire University community.

16) What is your greatest accomplishment?
My greatest accomplishment as an ombuds was actually the result of very little work on my part but the result for the visitor was huge. I helped an international student from the Law School remain at Hamline and in the U.S. She came to me and explained that her village in Africa had all helped pay for some of her costs and were all invested in her success. She had a stressful semester and her grades went below a certain point and her financial assistance was in danger of being stopped, which would change her student visa status and send her home. Her biggest concern was the shame she would feel disappointing her family and village. I helped her get in tough with the right people and identified resources to help her work out her problems, get her grades up, and stay in the country. She worked things out, stayed in the country and at Hamline, and received her Law degree.

17) Do you have a vision for the future of ombuds?
The future ombuds will have the luxury of time and support. Time to plan, to be proactive, to network and exchange ideas. Support for training, research, investigation, writing, reflection. The ombuds would be a more visible part of the institution.

18) What education/events/readings have helped to shape your practice?
All of the TOA courses I have taken have been amazing, I attended Cal Caucus at Asilomar and that was my first exposure to other ombuds, I was overwhelmed and new but it served to give me a great base. Interaction with other ombuds has been very enlightening, the type of person who is drawn to this work tends to have broad experience and a sincere desire to serve and to make a difference in someone's life- even if it is only 1 person. Ombuds are also very eager to share experiences and support one another.

19) What do you find rewarding about the work?
Most of the work is very rewarding, the most rewarding is knowing that you made a difference for someone: listened when no one else would, stayed calm when other didn't, spoke plainly when they were confused. We often see people at their worst, and anything we can offer them is usually appreciated. Other rewarding aspects include the professional development opportunities and interaction with other ombuds.

20) What do you find challenging about the work?

People only call when there is a problem. Other challenges include working with confusion, unclear institutional policies, difficult personalities, complex personal issues that often surface in a mediation.

21) What is the single most important tool you use as an ombuds?
My ears, and patience.

22) Have you taken the Thomas Killman Conflict Mode test? If so, what were the results?

24) Have you taken the Myers Briggs personality test? If so, what were the results? Has the information informed your practice?
I waver between ESTJ and ESFJ. I am very orderly in the way that I do things and tend to have a "system" for most activities, but also strive for harmony in my interactions and environment. I makes me think that I am perhaps too rigid and need to let things happen more than I do- I tend to have too clear of an outcome in mind before I begin a project.

27) Does your gender effect your practice? If so, how? If you don't know, please indicate.
I'm sure that gender is an issue more because of perception than anything I actually do. People expect women to be more compassionate and caring, and often that is what a visitor is looking for when they come to me. It often also determines a person's comfort level. The other O at Hamline is a man, ad I suspect that some people go to one or the other of us based on their comfort with our particular genders.

28) If you were to self-assess your personality type, what would you say about the influence of your personality influence on your practice (roles, benefits/challenges, problem solving style, other)?
One key aspect of my personality is that I am a fixer. That is my role in my family and in my work. I am also pretty methodical (perhaps a bit "anal"), and tend to do thing in order and put together a list at the beginning of any project. This affects my O work in that when I first start working with a visitor, I always put together a plan of action. I am also very optimistic and usually approach an issue with the idea that it can be solved and be "ok." This is now always the most sensible way to go, so I try to temper this with reality.

29) Do you attend professional ombuds conferences? If so, which ones and how often.
I have attended Cal Caucus once, and have received extensive TOA training.

30) Are you a trained mediator?
Yes, I am a trained mediator.

31) Do you publish ombuds related work? If so, what articles have you published, and in which journals/books?
no

32) Do you network and discuss ombuds related issues with other ombuds working elsewhere? If so, what do you generally seek from such relationships?
Yes, networking is crucial. Much of what we exchange are experiences/types of cases, and resources. A lot of "How did you handle that?" Also, for many of us, networking is the only opportunity for us to feel part of a group- we often work alone, and because of the confidential nature of our work, we can only share with other Os.

33) What Standards of Practice do you adhere to if any?
I adhere to the Standards of Practice of both UCOA and TOA.

35) What is your perception of your basic function(s) as an ombuds?
To provide an informal, confidential, neutral avenue for people to resolve questions or problems.

36) What roles do you play when carrying out this/these functions? If you don't know. Indicate that you do not know. If you are not sure. Indicate that you are not sure.
Listener, counselor, investigator, mediator, facilitator.

37) What types of cases do you handle?
I handle everything from a basic policy question or referral to roommate problems to co-worker and supervisor problems to harassment.

38) Do you recognize trends or common complaints? If so, what are they. Do you give feedback to the system in order to implement preventative measures.
I see lots of trends. Supervisors at most universities are not properly trained to manage employees or to deal with problems. There are so many legal issues involved in employment and most supervisors have no idea what they are. I also see a lot of power abuse problems. I do give feedback about the trends that I see, and some have been addressed by the university.

39) Do you keep records on clients? If so, what type and for how long?
At the beginning of case I take notes to familiarize myself with the issues, and destroy the notes. I do keep records on types and numbers of cases, and type and number of visitors.

40) Do you publish annual reports? If so, how often and what do they include?
I make an annual report to University Council that includes numbers, types, and trends.

41) Do you write case studies? If so, how many have you written? Who has access to these case studies?
no

42) Do your clients sign any agreements before obtaining ombuds services? If so, what is it?
no

43) How do you receive complaints (over the phone, through the mail, face to face consultations, other).
Most initial contact is via phone, they briefly describe the problem to see if I really am the best person to help them, and then we may meet in person. I try to discourage use of email due to the lack of security and confidentiality.

44) Have you ever been subpoenaed as an ombuds? If so, how did you handle the situation?
no

45) Is continuing education a part of your practice? If so, what continuing education opportunities have you pursued?
Absolutely. TOA training, readings, individual courses in mediation and negotiation techniques.

50) Does your office fund your continuing education pursuits?
Mostly, there is not enough in the budget to do all that I feel I need.

51) Have you attended ombuds training seminars? If so, which ones. How helpful would you rate them?
All Ombuds training seminars have been very helpful.

52) Do you plan on continuing to practice as an ombuds? If so, why. If not, why.
Yes. It is meaningful work and can have amazing rewards.

53) What are your interests outside of ombudsing?
I train for and run marathons so am always researching the different aspects of health/fitness/nutrition and their effects on lifestyle and

life quality. I travel a lot, am outdoors whenever possible and am redoing a 96-year-old house.

NEAL EDGAR
MENTAL HEALTH

Thanks Edgar!

1)How did you come to be an ombuds
Responded to a job position opening, which was the creation of a Mental HealthAlcohol Drug Services Ombudsman.

2)How many years.
I started the position December, 2001.

3)Education background
BA in developmental psychology, Master's Degree in Social Work, Licensed Independent Social Worker

4)Work/life experience prior to ombuds
Prior to this job, I had been a Clinical Director at a mental health agency for 23 years functioning as an administratior, clinician, and client rights officer. I also had worked as an Emergency Services Clinician at Harding Hospital, a psychiatric hospital.

5)Type of institution
The Mental Health Association of Franklin County is a private non-profit agency that focuses on advocacy, education, prevention services for the mentally ill.

6)Community served:
Consumers receiving mental health/drug alcohol services in Franklin County (1, 068,978). Currently there are 32,000 receiving these services.

7)When/how office was established
Consumers and family members lobbied for this position for a few years. As mentioned above, I was hired in Dec., 2001.

8)People who work in the office
There are 4 full time (Exec. Dir., PR/Communications, Exec. Assist. and myself) and 2 part time (program manager and membership coordinator) who are employed here. There are also many volunteers who assist in the running of the agency.

9)Which office do I answer to-**the Executive Director.**

10)How funded-**The Alcohol, Drug, and Mental Health Board (ADAMH) of Franklin County pays for the position.**

11)Compromise to serve-The ADAMH Board does not provide direct services to consumers.

12)Unless office is independent, you should not use title ombuds-**I agree**

13)**I use the term ombudsman**

14)Category**-I am not sure, but certainly advocate and mediator**
15)**I work for the Mental Health Association, and consider my self a Mental Health Ombudsman**

16)Greatest accomplishment
This is reflected in responses to the satisfaction surveys I get back, and never tire of seeing thanks and consumers saying the problem was resolved as a result of my assistance. I've also felt great when my participation has resulted in bureaucratic system snafus being resolved.

17)Vision for future of ombuds
At this time, my goal is to insure that more consumers are aware of my availability.

18) Education etc. **have helped shape my practive-primarily trainings on mediation, housing, benefits, shelters etc.in our system.**

19) What's rewarding-**see 16.**

20)Challenging**-Keeping a balanced perspective when dealing w/ providers, system people who drag their feet etc.**

21)Most imp. tool as ombuds-**Relationships I've developed with system providers.**

22)Taken TKCM test?-**No**

23)Kiersey pers. test?-**No**

24)Myers Briggs**- I've taken it too long ago to recall the results**

25)Goleman's test?-**No**

26) Skills-**In developing this position, networking with agencies, agency providers and administrators and convincing them that my role was to work with them to resolve problems of clients that we mutually serve. I sense they trust me, which makes the rest so much easier.**
27)Does gender effect practice?
I'd like to think not, but it probably does. In mental health there are more females, so , if nothing else, being male is significant.

28)Personality type
I'm not a "pitbull", and am likely seen as a nice guy, but I am compulsive/persistant and this clearly effects my abililty to influence.

29) ombuds conferences**/-not yet**

31)do I publish-**no**

32)network w/ other ombuds
On occasion, initially especially I did so re: getting started, getting the word out, type of reporting etc .

30)**Trained mediator-I've been to a day long workshop, but not certified, formal training.**

33)Stardards of practice-**don't know**

34)Office have a mission statement?
"the Mental Health Association of Franklin Co. Inc. is a private, not-for-profit organization established in 1956. We are dedicated to promoting community-wide mental health and the recovery of persons with mental issnes sthrough prevention, education, advocacy, support services and collaboration. We are the only organization if Franklin Co. whose broad mission is to educate the public about mental health and mental illness. We are part of a natonwide organization, the National Mental Health Association, that has been working to protect the rights of persons with mental illness since 1909. We are committed to enhancing the mental well-being of all our citizens.

35) function as an ombuds
(from this point on, I'll get a bit more sketchy in my answers as I have lots of tasks here, sorry)-to aid mental health consumers in resolving problems they encounter in their treatment and other mental health needs, especially when they are unable to advocate for themselves.

36)Roles-**advocate, educator, coach, mediator**

37)Type of cases
consumer who deal with problems of :access/denial of services, housing, incarceration, coordination of care, alleged abuse or neglect, discrimination, quality of services, staff treatment., breach of confidentiality, client rights.

38)recognize trends
Yes, I give feedback via monthly reports to our Board of Directors and an annually report to the ADAMH Board, as well as verbal communication as needed.

39)Records

Yes, on a computer program, will keep...at least 7 years.

40)Annual reports
Yes, including trends and patterns, statistics on: type of complaints, diagnosis of callers, referral sources, complaints by age, race, gender, status of concerns, # of cases received p/month, satisfaction survey results, future goals.

41)Write case studies?
I write a narrative of every call, but not a case study per se.

42)Do clients sign agreements
Whenever possible, a release of information, which is essential if I'm doing a mediation at an agency w/ the consumer.

43)How receive complaints
98% are over the phone, but have gotten them by mail, email, and walk in.

44)Been subpoenaed? **No**

45)Continuing ed?

Yes, mostly trainings, conferences on matters related to consumer concerns. (housing, SSI, etc.)

50) Office fund cont. ed.? **Yes,though mostly I'm able to get free training.**

51)Attned ombuds training seminars-**no**

52) Plan on continuing as an ombuds-
Yes, I find it a nice fulfilling shift in my career.

53)Outside interests-music, **walking, swimming, comic art, environmental concerns.**

Good luck
Neal Edgar, LISW

Patricia Lugo, M.A.
UNIVERSITY
University Ombudsperson

Mediation Coordinator
Box 5693
Flagstaff, AZ 86011
Phone: 520-523-9358

Misa,

Sorry this is so late but it's been pretty crazy around here.

Patti
QUESTIONS

1) How did you come to be an ombuds?
I was contacted by the individual in the position and encouraged to apply.

2) How many years have you worked as an ombuds? **4**

3) What is your educational background?
(degrees held, certification programs, special training) Masters of Arts in Applied Sociology -
Certified Mediator 10 years - Certified Mediator Trainer 4 years -
multiple trainings and seminars in conflict resolution, diversity, policy etc.

4) What work experiences & life experiences did you have prior to becoming an ombuds?
I was the Executive Director for the College of Arts and Sciences for 12 years. I managed all personnel issues including promotion and tenure and all student complaints and grievances.

5) What type of institution do you work for? **University**

6) Which community/communities do you serve and how large is it?
Faculty, Staff and Students - 3,000 employees and 20+ students.

7) When was your office established and how did it come into existence?
The office was established many years ago and I am unclear why it was established as the role has only become truly active in the past 5 years.

8) How many people work in your office? What is the percentage of work time and job title for each.
3 - **1 Administrative Assistant,**
1 Director/Ombudsman
and myself Ombudsperson and University Mediation Program Coordinator

9) Which office do you answer to?

The President

10) How is your office funded?
The President

11) Do the structural characteristics of your ombuds system compromise your ability to serve as an independent agent (e.g.-the person who funds you is also the person people are complaining about)? If so, what steps do you take to ensure that you remain neutral/impartial?
No - in fact we have a case study that might be interesting at a future Asilomar conference.

12) Are you of the persuasion that unless your office is "independent" you ought not use the title ombuds? **Yes**

13) Do you use the term ombuds, ombudsman, ombudsperson, ombuds officer, other?
Ombuds and Ombudsperson

14) What category or type of ombuds do you consider yourself? Please specify and indicate why? (e.g., classical, executive, government, public, private, specialty, quasi, advocate, organizational, mediator, legislative, municipal, "real", "pseudo", other). If you don't know. Indicate that you don't know. If you are not sure, indicate that you are not sure. **Organizational**

16) What is your greatest accomplishment?
Building a mediation program that is productive and respected.

17) Do you have a vision for the future of ombuds?
An increase in accessibility to administrators to help form policy and look at the campus climate.

18) What education/events/readings have helped to shape your practice?
Mediator training, many books and publications but I suppose my favorites are: When Talks Works by Deborah Kolb and Working With Emotional Intelligence by Daniel Goldman.

19) What do you find rewarding about the work?
Getting typically anal folks to look outside the box...and see gray.

20) What do you find challenging about the work?
It is extremely isolating and some times the situations brought to our attention are heart wrenching.

21) What is the single most important tool you use as an ombuds? **Listening**
22) Have you taken the Thomas Kill man Conflict Mode test?
If so, what were the results? Yes - mostly collaboration with some accommodation

23) Have you taken the Kersey personality test? If so, of the 16 personality types, which best describes you? If so, has it informed your practice.
http://www.keirsey.com/sixteenroles.html
The idealist - I see it as important in my work and life because I believe in the unseen or potential.

24) Have you taken the Myers Briggs personality test? If so, what were the results? Has the information informed your practice? **No**

25) Have you taken the Daniel Goleman's intelligence test? If so, what were the results? **No**

26) If you were to self-assess what skills you have acquired through education, work, life experiences, which skills from which experiences do you use in your ombuds practice. Please associate what you learned from a specific experience that is transposed into a skill applicable to your practice. E.g., Mediation training gave me a better understanding of the nature of conflict, economics training cultivated my analytical problem solving skills which is helpful for evaluating a complaint, etc.)
I have been a student and staff member as well as administrator and these experiences have allowed me to understand cultures as well as class conflicts.

I have extensive training in mediation skills enabling me to help resolve conflict at many levels.

Extensive mediator training has enabled me to be effective in conflict resolution at many levels.

My experience as a student and staff member prior to my administrative role has given me an intimate understanding of conflict when issues of class are central to the dispute.

I worked closely with faculty for many years and that has enabled me to understand and work more effectively with that community.

27) Does your gender effect your practice? If so, how? If you don't know, please indicate.
Yes. I believe being a woman is often beneficial because it seems to allow both men and women to feel comfortable and able to open up to me on issues that may involve emotions.

28) If you were to self-assess your personality type, what would you say about the influence of your personality influence on your practice (roles, benefits/challenges, problem solving style, other)?
I am very compassionate and interested in the concerns of others. I see a world that is more gray than most and that enables me to work through problems when others have felt all avenues have been exhausted.

29) Do you attend professional ombuds conferences? If so, which ones and how often.
Yes. After four years in the office I've attended UCOA once,TOA once and Asilomar three times.

30) Are you a trained mediator? **Yes**

31) Do you publish ombuds related work? If so, what articles have you published, and in which journals/books? **Not yet.**

32) Do you network and discuss ombuds related issues with other ombuds working elsewhere? If so, what do you generally seek from such relationships?
Yes. I seek avenues for collaboration, advice, venting and support.

33) What Standards of Practice do you adhere to if any
UCOA and TOA

34) Does your office have a mission statement? If so, what is it? **Yes.**

35) What is your perception of your basic function(s) as an ombuds?
The ability to fully listen to the concerns presented, options development, conflict resolution and policy change/development.

36) What roles do you play when carrying out this/these functions? If you don't know. Indicate that you do not know. If you are not sure. Indicate that you are not sure.
I am the neutral vessel that takes in the information, looks for options and when patterns are evident, suggest change.

37) What types of cases do you handle?
Basically all student, staff, faculty or administrator.

38) Do you recognize trends or common complaints? If so, what are they. Do you give feedback to the system in order to implement preventative measures.
Civility or shall I say incivility seems to be a common theme. Because so much of our environment depends on academic freedom those who might be able to form civility policy are unwilling to
even attempt to tackle the notion.

39) Do you keep records on clients? If so, what type and for how long? **No**

40) Do you publish annual reports? If so, how often and what do they include? **No**

41) Do you write case studies? If so, how many have you written? Who has access to these case studies? **Not yet.**

42) Do your clients sign any agreements before obtaining ombuds services? If so, what is it?
Yes, an agreement to mediate that indicates they understand and agree to the structure and rules governing the process.

43) How do you receive complaints (over the phone, through the mail, face to face consultations, other). **All**

44) Have you ever been subpoenaed as an ombuds? If so, how did you handle the situation?
Not yet although we were called in to a formal hearing but dismissed before we were asked any questions. Had we been questioned we were prepared to indicate our standards of practice and therefore inability to discuss specifics.

45) Is continuing education a part of your practice? If so, what continuing education opportunities have you pursued?
It is promoted and emotionally supported. I've pursued any and all trainings/conferences that we are able to fund.

50) Does your office fund your continuing education pursuits? **We have a very limited budget but fund whatever is possible.**

51) Have you attended ombuds training seminars? If so, which ones. How helpful would you rate them? **No**

52) Do you plan on continuing to practice as an ombuds? If so, why. If not, why.
Yes, as long as I am able to do so. I believe that this office represents the only "real" opportunity for individuals to gain a wide perspective of their situation and potential options for resolution. It is the lack of a legalistic approach that drew me in to the office and continues to excite me. Helping other's to develop means to help themselves is very rewarding.

53) What are your interests outside of ombudsing? **I do art, sing and hike.**

APPENDIX D

The Ombudsman's Reading and Resource Room

The Ombudsman's Reading & Resource Room

Virtual Archives
Under Development
Compiled by Misa Kelly, Assistant Ombuds, UCSB

The Ombudsman* Reading and Resource Room

Gender-neutral derivatives of the word "ombudsman" (a term that is internationally considered generic) include ombuds, ombudsperson, ombuds officer, and ombud. Please note that other names are utilized for Ombudsman in South America: terms such as Defensor del Pueblo, Defensor de los Habitantes, Defensor Vecinal, Procurador de los Derechos Humanos,Comisionado de los Derechos Humanos. In Brazil they use the name "Ouvidor" (the Listener) (information provided by Joao Elias de Oliveira Brazilian Ombudsman Association, Vice-President). Other terms for Ombudsman include: Le Protectuer du Citoyen, Protectrice du Citoyen (Québec); Mediateur (France, Belgium), Provedor de Justica (Portugal); and Defensor del Pueblo, (Spain).

The Merriam Webster's Collegiate Dictionary defines an ombudsman as "one that investigates reported complaints (as from students or consumers), reports findings, and helps to achieve equitable settlements" (www.m-w.com).

The Reading and Resource Room is not designed to meet the educational needs of any one particular “category” or “type” of Ombudsman, ombudsman scholar, or curious researcher. But rather, it is an attempt to collate the gamut of existing materials pertaining to ombudsing and ombudsman scholarship available online within a single virtual space. In that websites change with time, hard copy versions of this virtual resource will be maintained within the Ombuds Archives.

It is my hope that this work will provide a valuable educational resource for new ombudsmen, for ombudsmen seeking to cultivate their practice through acquisition of knowledge, for ombudsman scholars conducting research, and for individuals unfamiliar with the profession interested in learning more about ombudsmanship.

Additionally, it is my hope to cultivate an awareness within the various ombudsman communities that they belong to a larger community that is global in scope, and to encourage further dialog amongst different ombudsman communities. Through dialog it is my hope to work toward creating a common language readily understood by all ombudsmen, resolve existing disagreements with regard to ombudsman theory, and to inspire research that will

enable Ombudsmen to honor, respect, and understand the similarities/differences of ombudsmen working in different institutional settings.

Reading Room Sections:

I. Professional Organizations
II. Conferences
III. Standards of Practice
IV. Ombudsman Acts
V. Ombudsman Categories
VI. Training Manuals
VII. Bibliographies
VIII. Fulltext Special Collections
- **American Bar Association**
- **Full Text Articles on Campus Conflict Resolution Issues**
- **Le Protectuer du Citoyen**
- **MIT-Mary Rowe**
- **Ombudsman of Korea**
- **Organization of News Ombudsmen**
- **The European Ombudsman Speeches**
- **Republic of Slovenia Human Rights Ombudsman: Collection of written contributions and conclusions**

IX. Articles, Speeches, Letters, Presentations
X. Journals
XI. Newsletters
XII. News Items
XIII. List Servs
XIV. Research & Projects
XV. Annual Reports
XVI. Case Studies
XVII. Ombudsman Privilege/Mediator Privilege/Model Shield Law
XVIII. Ombudsman Discussions
XIX. Alternative Dispute Resolution Links

If you have any links you would like to add, or, if you have an item you would like to see posted, or find something no longer available online, please send the information to Misa Kelly at misa-kelly@sa.ucsb.edu*.*

I. PROFESSIONAL ORGANIZATIONS

American Bar Association Ombudsman Committee Home Page
<http://www.abanet.org/adminlaw/ombuds/> (14 Feb. 2003)

Asian Ombudsman Association
(seeking additional information)

<http://www.ombudsman.go.kr/english/pages/download.asp> (14 Feb. 2003)
<http://www.ombudsman.go.kr/info_opinion/download/Eng/Asian_Regional_Report.doc>(14 Feb. 2003)

Association of Canadian College and University Ombudspersons (ACCUO)
<http://www.uwo.ca/ombuds/assoc.htm> (14 Feb. 2003)

Associação Brasileira de Ouvidores
(Brazilian Ombudsman Association)
<http://www.abonacional.org.br> (14 Feb. 2003)

British and Irish Ombudsman Association (BIOA)
<http://www.bioa.org.uk/> (14 Feb. 2003)

California Caucus of College and University Ombuds (CCCUO)
Website Forthcoming 2003

Caribbean Ombudsman Association
(seeking information)

Canadian Ombudsman Association
Howard Kushner
Email: hkushner@ombd.gov.bc.ca

Douglas Ruck
Email: ruckd@gov.ns.ca

Centre for Ombudsman and Governance Studies
<http://www.public-admin.co.uk/pai/combgov.htm> (14 Feb. 2003)

Centre for Ombudsman and Governance Studies, Email Correspondence: Additional Information: About the Centre, Current Research, Annual Report, Bibliography

Centre for Ombudsman and Governance Studies Annual Report

Coalition of Federal Ombuds (CFO), Chairman Howard Gadlin, National Institutes of Health, 1B 37 Building 31, Bethesda,
MD 20892. Phone: 301-594-6916, FAX: 301-594-7948

European Network for Ombudsmen for Children
<http://www.ombudsnet.org/> (14 Feb. 2003)

Federación Iberoamericana del Ombudsman (F.I.O.)
(IberianAmerican Ombudsman)
Directory of all the members of F.I.O.

Forum of Canadian Ombudsman
<http://www.ombudsmanforum.ca/whyafco_e.asp> (14 Feb. 2003)

International Ombudsman Institution
<http://www.law.ualberta.ca/centres/ioi/regions.htm> (14 Feb. 2003)

Latin American Ombudsman Institute
(seeking information)

National Association of State Ombudsman Programs
Carol Scott
e-mail: cscott@mail.state.mo.us

Organization of News Ombudsmen (ONO)
<http://www.newsombudsmen.org/jacoby.html> (14 Feb. 2003)

National Long Term Care Ombudsman Resource Center
<http://www.ltcombudsman.org/ombpublic/49_151_940.CFM> (14 Feb. 2003)

State of Minnesota Ombudsman Round Table
<http://www.ombudmhmr.state.mn.us/contact/ombuds.htm> (14 Feb. 2003)

The European Ombudsman Institute
<http://members.tirol.com/eoi/uk/startseite_uk.htm> (14 Feb. 2003)

The Ombuds Association (TOA)
<http://www.ombuds-toa.org/other_links.htm> (14 Feb. 2003)

University and College Ombuds Association (UCOA)
<http://www.colorado.edu/Ombuds/UCOA/> (14 Feb. 2003)

United States Ombudsman Association (USOA)
<http://www.usombudsman.org/> (14 Feb. 2003)

II. CONFERENCES

Asian Ombudsman Association Conferences
(seeking information)
http://www.ombudsman.go.kr/info_opinion/download/Eng/Asian_Regional_Report.doc (14 Feb. 2003)

Australasian and Pacific Ombudsman Conferences
(seeking information)
Selena Choo, Projects Officer,
NSW Ombudsman, Level 24, 580 George Street, Sydney,
NSW, Australia 2000, tel: (02) 9286-1014, fax: (02)
9283-9827, e-mail: schoo@ombo.nsw.gov.a

The Association of Canadian College and University Ombudspersons (ACCUO) Conferences
<http://www.uwo.ca/ombuds/accuoeng/frames.htm> (14 Feb. 2003)

Caribbean Ombudsman Associaton, Regional Conferences (CAROA)
(Seeking information)

Forum of Canadian Ombudsman
<http://www.ombudsmanforum.ca/whyafco_e.asp> (14 Feb. 2003)

National Conferences of Canadian Ombudsman
(seeking information)

Organization of News Ombudsmen Annual Conference
<http://www.newsombudsmen.org/conf.htm> (14 Feb. 2003)

University and College Ombuds Association Annual Conferences
<http://www.colorado.edu/Ombuds/UCOA/AnnualConference.html> (14 Feb. 2003)

United States Ombudsman Association Annual Conferences
<http://www.usombudsman.org/ServicesActivities/activitiesservices.htm> (14 Feb. 2003)

International Ombudsman Institute Conferences
International Ombudsman Conferences are organized and held every four years.
<http://www.law.ualberta.ca/centres/ioi/brochure.htm> (14 Feb. 2003)

The Ombudsman Association National Conferences
<http://www.ombuds-toa.org/conference.htm> (14 Feb. 2003)

III. STANDARDS OF PRACTICE and related information

Alaska Office of the Ombudsman, **Ombudsman Standards**
<http://www.state.ak.us/local/akpages/LEGISLATURE/ombud/standarz.htm> (14 Feb. 2003)

American Bar Association (ABA)
Standards for the Establishment and Operation of Ombudsman Offices
<http://www.abanet.org/ftp/pub/adminlaw/final_ombuds.doc> (14 Feb. 2003)

Revised Standards: Proposed Changes
Standards for the Establishment and Operation of Ombudsman Offices
<http://www.abanet.org/adminlaw/ombuds/2003_proposed_standards.doc> (29 July 2003)

ABA Section of Administrative Law and Regulatory Practice
Ombudsman Committee Homepage
<http://www.abanet.org/adminlaw/ombuds/> (14 Feb. 2003)

2001 ABA REPORT AND PROPOSED STANDARDS
Review of Report and Standards, Review of opinions-Pro and Con
<HREF="http://www.usombudsman.org/ABA.htm"**>**(14 Feb. 2003)

The following information is directly from the United States Ombudsman Association website:

1.The USOA's letter in opposition to the standards
<http://www.usombudsman.org/ABA/USOA_Letter.doc> (14 Feb. 2003)

2.USOA's proposed amendments , which if passed would make the standards acceptable to USOA.
<http://www.usombudsman.org/ABA/USOA_Amendments.doc> (14 Feb. 2003)

3.The Canadian Ombudsman Association's letter in opposition to the proposed standards
<http://www.usombudsman.org/ABA/COA_Letter.doc> (14 Feb. 2003)

4.Bernard Frank's letter in opposition to the standards
<http://www.usombudsman.org/ABA/Frank_Letter.doc> (14 Feb. 2003)

5.Dr. Hill's letter in opposition to the standards <http://www.usombudsman.org/ABA/Frank_Letter.doc> (14 Feb. 2003)

6.The Section of Labor and Employment Law's statement of opposition <http://www.usombudsman.org/ABA/Section_Labor_Employ_Law.doc> (14 Feb. 2003)

7.Three Past USOA Presidents letter in response to Past President Eddings and in opposition to the Standards <http://www.usombudsman.org/ABA/USOA_3_Pres_Letter.doc> (14 Feb. 2003)

The following are letters and documents that support the passage of the ABA standards or rebut stands taken in opposition to passage of the standards:

1.The TOA/UCOA letter supporting the ABA proposal but voicing concerns regarding the term "Advocate" <http://www.usombudsman.org/ABA/TOA_COA_Letter.doc> (14 Feb. 2003)

2.Eddings letter to USOA in support of passage of the ABA proposal <http://www.usombudsman.org/ABA/eddings.doc> (14 Feb. 2003)

3.Levine, Waxman and Harter letter to USOA members rebutting the "Three Past USOA Presidents" letter <http://www.usombudsman.org/ABA/eddings.doc> (14 Feb. 2003)

4.Ad Law sections response to Labor and Employment's opposition"<http://www.usombudsman.org/ABA/Ad_Law_Response_L_E_opposition.doc> (14 Feb. 2003)

British and Irish Ombudsman Association
Ombudsman Schemes: Guidance for Departments
<http://www.cabinet-office.gov.uk/central/2001/Ombudsmen/ombudsman_schemes.htm> (14 Feb. 2003)

British and Irish Ombudsman Association
Criteria for The Recognition of Ombudsman Offices
<http://www.cabinet-office.gov.uk/central/2001/Ombudsmen/annex_a.htm> (14 Feb. 2003)

Office of the Ombudsmen, New Zealand,
Ombudsmen's Practice Guidelines
<http://www.ombudsmen.govt.nz/guidegenintro.htm> (14 Feb. 2003)

University and College Ombuds Association (UCOA)
Standards of Practice
<http://www.colorado.edu/Ombuds/UCOA/SOP.html> (14 Feb. 2003)

The Ombuds Association (TOA)
Code of Ethics/Standards of Practice
<http://www.ombuds-toa.org/code_of_ethics.htm> (14 Feb. 2003)

United States Ombudsman Association (USOA)
Draft: Governmental Ombudsman Standards
<http://www.usombudsman.org/DraftSTANDARDS.doc> (14 Feb. 2003)

IV. OMBUDSMAN ACTS
(under development)

Australia (1976) Ombudsman Act 1976
<http://www.law.usyd.edu.au/~acel/REBUILD/Indonesian%20Trainees%202001%20-%20April%20Group/Commonwealth%20Environmental%20Instruments/Ombudsman%20Act%201976%20(Cth)%20c20001218.pdf > (14 Feb. 2003)

Irish Governement (1999) Ombudsman Act 1980
<http://ombudsman.gov.ie/22ba/act1980.PDF> (14 Feb. 2003)

Manitoba (1970) The Ombudsman Act
<http://www.ombudsman.mb.ca/ombudsmanact.htm#1> (14 Feb. 2003)

Ombudsman of British Columbia (1996) Ombudsman Act
<http://www.qp.gov.bc.ca/statreg/stat/O/96340_01.htm> (14 Feb. 2003)

Ombudsman of British Columbia (1996) Legislation Pertaining to the Ombudsman
<http://www.ombudsman.bc.ca/publications/Ombuds_Act/ombudsact2.htm> (14 Feb. 2003)

Ontario (1990) Ombudsman Act
<http://www.ombudsman.on.ca/pdf/Ombudsman_Act.pdf> (14 Feb. 2003)

Scottish Public Services Ombudsman Act 2002(asp 11)
<http://www.hmso.gov.uk/legislation/scotland/en/2002en11.htm> (14 Feb. 2003)

The Ombudsman Act for the Yukon (1996)
<http://www.ombudsman.yk.ca/omb_act.html> (14 Feb. 2003)

United States Ombudsman Association (1997) Model Ombudsman Act for State Governments
<http://www.abanet.org/adminlaw/ombuds/usoamodel.html> (14 Feb. 2003)

V. CATEGORIES OF OMBUDSMEN

Please note: there is currently not a consensus among ombudsmen about the proper categorization of ombudsmen; nor is there a consensus with regard to what situations the title of ombudsmen ought be utilized.

American Bar Association

Classical Ombudsmen
<http://www.abanet.org/adminlaw/ombuds/classicalombudsmen.html> (14 Feb. 2003)

Advocate Ombudsmen
<http://www.abanet.org/adminlaw/ombuds/advocateombudsmen.html> (14 Feb. 2003)

Organizational Ombudsmen
<http://www.abanet.org/adminlaw/ombuds/organizationalombudsmen.html> (14 Feb. 2003)

United States Ombudsman Association

Classical Ombudsmen
Gottehrer, D. and M. Hostina (1999) Essential Characteristics of a Classical Ombudsman United States Ombudsman Association Website
<http://www.usombudsman.org/References/EssentialCharacteristicsClassicalOmbudsman.htm> (21 Jan. 2003)

Executive Ombudsmen

Anderson, S.V. (1973) "Comparing Classical and Executive Ombudsmen." In Executive Ombudsmen in the United States, edited by Alan J. Wyner Berkeley, CA: University of California, Berkeley Institute of Governmental Studies
<http://www.sa.ucsb.edu/ombuds/svasearch.htm> (21 Jan. 2003)

Hybrid Ombudsmen

Rafael Runco
Email discussion

Public Sector Ombudsmen

United States Ombudsman Association
<http://www.usombudsman.org/References/publicsectorombudsman.htm> (21 Jan. 2003)

Public Sector Ombudsmen in England
<http://www.justice.org.uk/images/pdfs/en.PDF> (21 Jan. 2003)

Gottehrer, D. and M. Rowe (1995) Similarities and Differences Between Public and Private Sector Ombudsmen ABA, Section of Administrative Law & Regulatory
<http://www.abanet.org/adminlaw/ombuds/g&rsimilar.html> (21 Jan. 2003)

Scottish Parliament, The Information Center (2000) Public Sector Ombudsmen Research Note prepared for the Local Government and Health & Community Care Committees
<http://www.scottish.parliament.uk/whats_happening/research/pdf_res_notes/rn00-108.pdf> (21 Jan. 2003)

Private Sector Ombudsmen

Ombudsman Western Australia
<http://www.ombudsman.wa.gov.au/links/private.html> (21 Jan. 2003)

Gottehrer, D. and M. Rowe (1995) Similarities and Differences Between Public and Private Sector Ombudsmen
<http://www.abanet.org/adminlaw/ombuds/g&rsimilar.html> (21 Jan. 2003)

ABA, Section of Administrative Law & Regulatory
<http://www.abanet.org/adminlaw/ombuds/g&rsimilar.html> (21 Jan. 2003)

Quasi Ombudsmen

Hill, L.B. (1997) "speech" American Ombudsmen and Others; or, American Ombudsmen and 'Wannabe' Ombudsmen. <http://www.abanet.org/adminlaw/ombuds/wannabe.html> (28 Aug. 2002)

Specialty Ombudsmen

United States Ombudsman Association
<http://www.usombudsman.org/Membership/membership.htm> (21 Jan. 2003)

VI. TRAINING MANUALS

Commonwealth Ombudsman-Australia Good Practice Guide to Complaint Handling <http://www.ombudsman.gov.au/publications_information/Special_Reports/good_practice.pdf> (21 Jan. 2003)

Office of Health Care Ombudsman (Vermont) Training Manual
<http://www.hrh.org/reports/appendices02/toc-vt.pdf> (21 Jan. 2003)

Georgia Long Term Care Ombudsman (LTCO) Training Manual
<http://www.ltcombudsman.org/ombpublic/49_506_1788.cfm> (21 Jan. 2003)

Maxwell, J.(1994). Dispute mediation: A training manual Kent State University, Center for Applied Conflict Management.
<http://www.kent.edu/cacm/rdg_914.htm> (21 Jan. 2003)

Melamed, J. Mediation Training Manual The Mediation Center, Inc.
<http://www.internetmediator.com/medres/pg1.cfm> (21 Jan. 2003)

VII. BIBLIOGRAPHIES

Anderson, S. V. Stanley V. Anderson Library
<http://www.sa.ucsb.edu/ombuds/svasearch.htm> (21 Jan. 2003)

Borders, K.W. (2001) Selected Annotated Bibliography of Research Conducted on the Ombudsman Program 1990-2000 (June 2001).
<http://www.ltcombudsman.org//uploads/LibraryResearchSummariesbyBorders02.pdf> (21 Jan. 2003)

British and Irish Ombudsmen Association Bibliography
<http://www.bioa.org.uk/BIOA-New/bibliography.htm> (21 Jan. 2003)

Centre for Ombudsman and Governance Studies Sources and Bibliography, Secondary sources, Books and chapters

European Network of Ombudsmen for Children Bibliography
<http://www.ombudsnet.org/Bibliography.htm> (21 Jan. 2003)

Morris, C. Conflict Resolution and Peacebuilding: A Selected Bibliography
<http://www.peacemakers.ca/bibliography/bibintro99.html> (21 Jan. 2003)

Morris, C. Ombuds Offices: Classical and Organizational Models
<HREF="http://www.peacemakers.ca/bibliography/bib19ombuds.html"> (21 Jan. 2003)

The European Ombudsman Bibliography
<http://www.euro-ombudsman.eu.int/bibliog/en/default.htm> (21 Jan. 2003)

Cole, D. G. Peace Bibliography
<http://www.nisbco.org/Biblio_A-H.htm> (21 Jan. 2003)

UCOA Ombuds Bibliography-Colleges & Universities
<http://www.colorado.edu/Ombuds/UCOA/bibliography.html> (21 Jan. 2003)

VIII. FULLTEXT SPECIAL COLLECTIONS

American Bar Association
Full Text Articles on Campus Conflict Resolution Issues
MIT-Mary Rowe
Ombudsman of Korea
Organization of News Ombudsmen (ONO)
The European Ombudsman Speeches

American Bar Association
Archives of ABAOMB@MAIL.ABANET.ORG
Section of Admin. Law & Regulatory Practice Ombudsman Committee
<http://mail.abanet.org/archives/abaomb.html> (21 Jan. 2003)

Full Text Articles on Campus Conflict Resolution Issues
<http://www.campus-adr.org/Main_Library/fulltextarticles.html> (21 Jan. 2003)

Le Protectuer Du Citoyen Protectrice du citoyen (québec ombudsman)
PROTECTRICE DU CITOYEN
SPEECHES (21 Jan. 2003)
As appears on the website

September 19, 2002
Pauline Champoux-Lesage
Protectrice du citoyen
« Les attentes du citoyen » Conférence des juges administratifs du Québec (french version only)

<http://www.ombuds.gouv.qc.ca/en/publications/discours/juges.htm> (21 Jan. 2003)

June 7, 2002
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<http://www.newsombudsmen.org/zacchino1.html> (14 Feb. 2003)

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X. JOURNALS

British and Irish Ombudsman Association: The Ombudsman

California Caucus of College and University Ombudsman: UCI Ombudsman: The Journal

International Ombudsman Institute: International Ombudsman Yearbook (formerly the International Ombudsman Journal)

Naval Services Familyline: Ombudsman Journal

The Online Journal of Peace and Conflict Resolution

BRITISH AND IRISH OMBUDSMEN ASSOCIATION "THE OMBUDSMAN"

"The Ombudsman" British and Irish Ombudsmen Association **Current Issue**
<http://www.bioa.org.uk/BIOA-New/further-info.htm#current> (21 Jan. 03)

"The Ombudsman" British and Irish Ombudsmen Association
Issue 19 - Dec 2002 Contents: 1) Last Rites of the Funeral Ombudsman Scheme by

Geoffrey Wooodroffe 2) News Items 6) Standards in Local Government 10) Jacob Soderman talks to Matt Merigan Giving the European Union a human face 12) Profiles: Linda Costelloe Baker, Jodi Berg, Nuala O'Loan 13) Some reflections on the provision of redress by Michael Brophy 15) Ombudsmen and the Courts: Time for Dialogue by Nick O'Brien <http://www.bioa.org.uk/BIOA-New/issue_19.pdf> (21 Jan. 03)

"The Ombudsman" British and Irish Ombudsmen Association
Issue 18 - March 2002
Contents: 1) Leading Article: The Changing Face of UK Ombudsmen by Walter Merricks 2) News items 7)New Processes and new products: The Reality of business change by Stephen Shaw 9) The British Columbia Ombudsman by Elizabeth Nicholls 10)
A pioneering scheme takes on water – and stays buoyant by Fiona McLeod 12) Profiles: Jerry White, Barney Crockett, Dame Barbara Mills 13) Judicial Review- Some case notes
and observations – Part II 14) The European Extra-Judicial Network (EEJ-Net Project Manager) by Ruth Ramford 15) Complaints procedures against chartered surveyors by Stephen Gould <http://www.bioa.org.uk/BIOA-New/18_Ombudsman.pdf> (21 Jan. 03)

"The Ombudsman" British and Irish Ombudsmen Association
Issue 17 - March 2002
1) News Items 6) Developing mediation in an ombudsman context by Karl Mackie 7) Ombudsmen and disability rights: towards inclusion by Nick O'Brien 8) The Office of the Ombudsman in Slovenia by Ivan Bizjak 10) Profiles: David Thomas, Henry Pinna, Molly Meacher 11) Judicial Review-some case notes and observations edited by Tony King
<http://www.bioa.org.uk/BIOA-New/17_Ombudsman.pdf> (21 Jan. 03)

"The Ombudsman" British and Irish Ombudsmen Association
Issue 16 - Nov 2001
1) News Items 7) Justice by an other name 9) Profiles: Michael Biles, John Scampion, Ian Smith 10) Public Administration International Study Tours by Roy Gregory 11) When citizens complain: the role of the ombudsman in improving public services by Ruthven van Rensburg 13) The review of administrative decisions in the Island of Jersey by Michael de la Haye 15) The Ombudsman, the public service and the Irish Language by Tadgh Murchu
<http://www.bioa.org.uk/BIOA-New/16th%20ombudsman.pdf> (21 Jan. 03)

"The Ombudsman" British and Irish Ombudsmen Association
Issue 15 - March 2001
1) BIOA – a glimpse of the future, editorial by Edward Osmotherly 2) News Items 3) A busy time by David Millington 4) "Are ombudsmen part of ADR?" by Margaret Doyle 7) A review of mediation by Roger Jeffries 8) Profiles: Tom Frawley, Pat Whelan, James Whittles 10) Recent developments at the PCA by Molly Meacher 11) The VIIth Conference of the IOI by Pat Whelan
<http://www.bioa.org.uk/BIOA-New/15%20Ombudsman.pdf> (21 Jan. 03)

"The Ombudsman" British and Irish Ombudsmen Association
Issue 14 - March 2001
1) News Items 4) Recent developments in the FOS 5) First thoughts of the Prisons Ombudsman by Stephen Shaw 7) The Police Ombudsman for Northern Ireland-An Introduction by Nuala O'Loan 8) Profiles: Tony Boorman, Stephen Shaw 9) Case

Studies 10) "The Bare Bones" by Janice Renton 11) Ombudsmen: fly-swatters or lion hunters by Nick O'Brien
<http://www.bioa.org.uk/BIOA-New/14%20Ombudsman.pdf> (21 Jan. 03)

"The Ombudsman" British and Irish Ombudsmen Association
Issue 13 - March 2000
1) News Items 3) Book Review 4) The Energy Industry Ombudsman, Victoria, Australia
by Fiona McLeod 7) Personal Reflections on the BIOA Conference 8) The European Ombudsman – a brief assessment of the first four years by Eddy Newman 9) Case Study
10) The work of the BIOA Managers' Group 11) Swimming with the tide by Stephen Carr-Smith 13) Profiles: Stephen Carr-Smith, Caroline Gill 14) The Freedom of Information Act in Ireland by Gerry Smyth
<http://www.bioa.org.uk/BIOA-New/13%20Ombudsman.pdf> (21 Jan. 03)

"The Ombudsman" British and Irish Ombudsmen Association
Issue 12 - Sep 1999
1) News items 6) You can take a horse to water but...by Malcom Webb 7) Self-assessment by James McDonald 8) Book Review by Sir William Reid 9) Profiles: James McDonald, Malcom Webb 10) Walter Merricks – from civil liberties lawyer to Financial Services Ombuds reported by David Garratt 11) The Legal Services Ombudsman and the Access to Justice Bill: Making sense of the ombudsman enigma by Nick O'Brien
<http://www.bioa.org.uk/BIOA-New/12%20Ombudsman.pdf> (21 Jan. 03)

"The Ombudsman" British and Irish Ombudsmen Association
Issue 11 - May 1999
1) News Items 5) Pilot Partnership by David Quayle 6) A placement at the Office of the Ombudsman in Dublin by Neil Hobbs 8) Profiles Michael Buckley, Julian Farrand 9) Looking through the telescope: an advice worker's perspective 11) Digest of cases 11) Time recording pilot
<http://www.bioa.org.uk/BIOA-New/11%20Ombudsman.pdf> (21 Jan. 03)

"The Ombudsman" British and Irish Ombudsmen Association
Issue No 10 - Dec 1998
1) News Items 6) Scottish Prisons Complaints Commission-An initial study by Philip Morris 8) Profiles: Roy Gregory, John Richards 9) The Adjudicator's office 1998 survey of complainants by Dominique Lazelle 11) Digest of Cases
<http://www.bioa.org.uk/BIOA-New/10%20Ombudsman.pdf> (21 Jan. 03)

CALIFORNIA CAUCUS OF COLLEGE AND UNIVERSITY OMBUDSMAN
UCI OMBUDSMAN: THE JOURNAL

California Caucus of College and University Ombudsman:
UCI Ombudsman: The Journal 1990
<http://www.ombuds.uci.edu/JOURNALS/1990/index.html> (21 Jan. 03)

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California Caucus of College and University Ombudsman
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<http://www.ombuds.uci.edu/JOURNALS/1997/index.html> (21 Jan. 03)

The California Caucus of College and University Ombudsman Journal is currently not available online after 1997. For information about obtaining journals published since 1997 please contact Lois Price Spratlen at the University of Washington's Office of the Ombudsman
<http://www.washington.edu/about/ombudsman/contact.html> (14 Feb. 03)

NAVAL SERVICES FAMILYLINE: OMBUDSMAN JOURNAL

"Ombudsman Journal" Naval Services Familyline
<http://www.lifelines2000.org/familyline/module/res/res_default.asp?action=&AttribID=760&AttribName=Ombudsman+Journal&windowStyle=&AList=760&RList=26> (21 Jan. 03)

Ombudsman Journal 49 for Autumn 2002 Naval Services Familyline
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<http://www.lifelines2000.org/eng/data/res/OJ48.pdf?itemID=876&windowStyle=returnwindow>
(21 Jan. 03)

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<http://www.lifelines2000.org/eng/data/res/OJ47.pdf?itemID=669&windowStyle=returnwindow>
(21 Jan. 03)

Ombudsman Journal 46 Winter-Spring 2002 Naval Services Familyline

<http://www.lifelines2000.org/familyline/ombudsman/Quarterly_Journals/Ombudsman_Journal_46.pdf?itemID=611&windowStyle=returnwindow> (21 Jan. 03)

Ombudsman Journal 45 Summer-Fall 2001 Naval Services Familyline
<http://www.lifelines2000.org/eng/data/res/OmbudsmanJournal45SummerFall2001.pdf?itemID=672&windowStyle=returnwindow> (21 Jan. 03)

INTERNATIONAL OMBUDSMAN YEARBOOK (FORMERLY THE INTERNATIONAL OMBUDSMAN JOURNAL)

The International Ombudsman Institute (IOI)
<http://www.law.ualberta.ca/centres/ioi/index.htm> (21 Jan. 03)

Although the International Ombudsman Yearbook is not available online I'm including information about this yearbook within the reading room in that the IOI scholarship is excellent. Following is information quoted from the IOI website:

"An annual legal journal containing articles of interest to Ombudsmen, staff members, academics and students in the area of ombudsmanship. In addition, to English, some issues contain articles in French and Spanish. The 1995 Journal is available on audio cassette. The 1997 International Ombudsman Yearbook was published and distributed by Kluwer Law International. Please contact Kluwer Metropole Office, Laan van Meerdervoort 70 2517 AN The Hague, The Netherlands. Telephone: +31 70 308 1500, Fax: +31 70 308 1515."

For more information on how to obtain the International Ombudsman Yearbook visit the IOI website.
http://www.law.ualberta.ca/centres/ioi/order.htm (14 Feb. 03)

XI. NEWSLETTERS, QUARTERLY REVIEWS

International Ombudsman Institute (IOI), Newsletter
<http://www.law.ualberta.ca/centres/ioi/news1.htm> (14 Feb. 03)

Legal Ombudsman**-Victoria, Australia, Newsletter**
<http://www.legalombudsman.vic.gov.au/publications.htm> **(14 Feb. 03)**

Office of the National Ombudsman**, Newsletter**
<http://web.sba.gov/ombudsman/dsp_newsletter.html> (14 Feb. 03)

Office of the Ombudsmen, New Zealand, Quarterly Review
The Ombudsmen's Quarterly Review
<http://www.ombudsmen.govt.nz/quarterl.htm> (14 Feb. 03)

Ombudsman Ontario, Newsletter
<http://www.ombudsman.on.ca/newsletters.asp> (14 Feb. 03)

Québec Ombudsman's Chronicle
<http://www.ombuds.gouv.qc.ca/en/publications/chroniques/chronique.asp> (14 Feb. 03)

Small Business Ombudsman (SBO), Newsletter

<http://www.epa.gov/sbo/newslet.htm>(14 Feb. 03)

Telecommunications Industry Ombudsman, Newsletter
<http://www.tio.com.au/publications/default.htm> (14 Feb. 03)

The Ombuds Association, Ombudsman News, Newsletter
<http://www.ombuds-toa.org/the_ombuds_news.htm> (14 Feb. 03)

United States Ombudsman Association (USOA), Newsletter
<http://www.usombudsman.org/ServicesActivities/newsletter.htm> (14 Feb. 03)

U.S. Environmental Protection Agency, Small Business Ombudsman (SBO), Newsletter
<http://www.epa.gov/sbo/newslet.htm> (14 Feb. 03)

XII. NEWS ITEMS

The following selection is a very small sampling of the work currently being done by Dean Gottehrer. Gottehrer utilizes the internet to locate news items pertaining to ombudsmanship from around the world.

These news items are distributed via the United States Ombudsmen Association (USOA) list serv.

The USOA is archiving this valuable collection. If you would like to be a part of the USOA listserv click HERE and scroll down to "Email List Serv"
http://www.usombudsman.org/ServicesActivities/trainingarchivesemail.htm (14 Feb. 03)

Samples from Dean Gottehrer's Collection of Newspaper Articles posted on the USOA List Serv

Antigua: Ombudsman helps mediate dispute
Antigua Sun , January 6, 2003

Canada: Media releases from Military Ombudsman and Defence Minister
Canada NewsWire, December 17, 2002

Jamaica: Ombudsman continues to probe post-election complaints
Jamaica Observer, January 3, 2003

Kenya: NGO leader calls for ombudsman
The Nation, January 8, 2003

Northern Ireland: Police ombudsman police backs use of controversial spray
Belfast Telegraph, 07 January 2003

Norway: Children's Ombudsman shocked at proposal to start youth earlier in sports
The Norway Post, 20 December 2002

Pakistan: Tax ombudsman orders release of withheld refund
DAWN Newspapers, 07 January 2003:

Peru: Ombudsman asks Tambogrande authorities to select consultants

Business News Americas, Jan 09, 2003

Scotland: Country-wide university ombudsman appointed to receivestudents' complaints
Evening News, 16 December 2002

UK: Reaction mixed to school ombudsman proposal
BBC, 6 January, 2003

Vanuatu: Ombudsman's Press Release 07.01.2003

XIII. LISTSERVS

Both The Ombuds Association and the University and College Ombuds Association have listservs. One must be a member of these professional organizations in order to join the associated listservs. Following are listservs that do not require membership status to join.

American Bar Association Section of Admin. Law & Regulatory Practice Ombudsman Committee

To Receive Ombuds Committee Announcements join their listserv
<http://mail.abanet.org/scripts/wa.exe?SUBED1=abaomb&A=1> (14 Feb. 03)

PLEASE READ
The ABA "Netiquette for ListServ Users"
<http://www.abanet.org/discussions/netiquette.html (14 Feb. 03)

United States Ombudsman Association

If you would like to be a part of the USOA listserv click HERE and scroll down to "Email List Serv"
<http://www.usombudsman.org/ServicesActivities/trainingarchivesemail.htm> (14 Feb. 03)

MIT/Mary Rowe

Date: Thu, 15 Jun 2000 13:39:53 -0400
To: ombud@MIT.EDU
From: mary rowe <mrowe@MIT.EDU>
Subject: rules of the list

Welcome to newcomers!.... Here are the rules of the list: The list is only for practicing ombudspeople -- those who are directly working as a confidential neutral, with disputants.

IT IS AN UNDERSTANDING OF THOSE ON THE LIST THAT WE WILL NOT DIRECTLY QUOTE OTHER OMBUDSPEOPLE, UNLESS WE HAVE EXPLICIT PERMISSION, AND THAT WE WILL NOT FORWARD THE MESSAGES PLACED ON THIS LIST UNLESS WE HAVE EXPLICIT PERMISSION. This understanding is seen not only as a matter of etiquette
but also a matter of ethical behavior. The point derives directly from one of the Standards of Practice for TOA: "An ombudsman should not use the names of individuals or mention their employers without express permission." One of the interpretations of this standard has always

been that we extend to our colleagues the same confidentiality we provide to all those whom we serve.

Please post to the whole list yourself if you wish -- OMBUD@MIT.EDU.

Your postings need not go through me, unless you wish to ask a question anonymously.(The capability for anonymous posting permits us all to post difficult problems without compromising our employers or ourselves). If you wish to post anonymously, write me and I will remove the identifiers.

If someone posts a query -- using his/her name -- please reply ONLY to that person -- unless you think the whole list will be interested? If you wish to reply to the whole list, or if you have to do so because a
query has been posted anonymously, then address your answer to ombud@mit.edu.

Your email may come back to me as an error message if you do not pick up regularly. In this case -- and for other messages which get lost around in the ether somewhere -- I do not re-send automatically. If you post a message and get an error message -- please just ignore/delete it.

With great respect -mpr.
****

XIV. RESEARCH & PROJECTS

Borders, K.W.
Borders, K.W. (2001) Selected Annotated Bibliography of Research Conducted on the Ombudsman Program 1990-2000 (June 2001).
<http://www.ltcombudsman.org//uploads/LibraryResearchSummariesbyBorders02.pdf> (14 Feb. 03)

Centre for Ombudsman and Governance Studies
<http://www.public-admin.co.uk/pai/combgov.htm> (14 Feb. 03)

Centre for Ombudsman and Governance Studies, Email Correspondence: About the Centre, Current Research, Annual Report, Bibliography

Estes, Carroll

> EFFECTIVENESS OF THE STATE LONG TERM CARE OMBUDSMAN PROGRAMS
> JUNE 2001
>
> Carroll L. Estes, Ph.D. Principle Investigator
> Donna M. Zulman
> Sheryl C. Goldberg, Ph.D.
> Dawn D. Ogawa
> Institute for Health and Aging
> <http://www.ltcombudsman.org/uploads/LibraryEstesFinal2001.pdf> (14 Feb. 03)
>
> RECOMMENDATIONS
> <http://www.ltcombudsman.org//uploads/
> LibraryEstesKaiserReportRecommendations01.pdf> (14 Feb. 03)

Kelly, M. (2002-Present) THE CASE STUDY PROJECT

Kelly, M. (2002-Present) THE OMBUDS PROFILE PROJECT

Kelly, M. (2002-Present) THE OMBUDS ORAL HISTORY PROJECT

Kelly, M. (2003-Present) THE ANNUAL REPORT PROJECT

ORGANIZATION OF NEWS OMBUDSMEN
1997 survey of ONO members
<http://www.newsombudsmen.org/survey.html> (14 Feb. 03)

OMBUDSMAN OF BRITISH COLUMBIA
Fair First: An Ombuds Audit of the WCB Ombudsman
<http://www.ombud.gov.bc.ca/publications/reports/Public_Reports/PR37_Fair_First/TOC.html> (14 Feb. 03)

INSTITUTE OF MEDICINE (IOM)
REAL PEOPLE, REAL PROBLEMS: An Evaluation of the Long-Term Care Ombudsman Programs of the Older Americans Act, National Academy Press 1994.
<http://www.nap.edu/readingroom/books/rprp/contents.html> (14 Feb. 03)

THE EARTH COUNCIL: FROM CONCEPT TO DESIGN: CREATING AN INTERNATIONAL ENVIRONMENTAL OMBUDSPERSON
<http://www.omced.org/om_nautilus.htm> (14 Feb. 03)

Zarsky, L. (1998) A Human Rights/Environmental Ombudsperson: Case Study Lessons and Design Recommendations Lyuba Zarsky Nautilus Institute for Security and Sustainable Development
<http://www.omced.org/om_nautilus.htm>

CASE STUDIES

Girot, P. (1998) The Earth Council: From Concept to Design: Creating an International Environmental Ombudsperson. The Darien GapRegion Between Colombia and Panama: Gap or Seal?
Pascal O. Girot, School of Geography, University of Costa Rica. A Project of the Earth Council. Project Director: The Nautilus Institute for Security and Sustainable Development, Berkeley, California, March 1998.
<http://www.omced.org/om_nautilus.htm> (14 Feb. 03)

Sari, A. P. (1998) The Earth Council: From Concept to Design: Creating an International Environmental Ombudsperson. Environmental and Human Right Impacts of Trade Liberalization: A Case Study in Batam Island, Indonesia Project Director: The Nautilus Institute for Security and Sustainable Development, Berkeley, California, March 1998.
<http://www.omced.org/om_nautilus.htm> (14 Feb. 03)

Rosenthal, E. and V. L. Mischenko (1998) The Earth Council: From Concept to Design: Creating an International Environmental Ombudsperson. Conflicts over International Oil and Gas Development off Sakhalin Island in the Russian Far East: A David & Goliath Tale Erika Rosenthal, with Dr.Vera L. Mischenko - Ecojuris Institute, Moscow

Project Director: The Nautilus Institute for Security and Sustainable Development, Berkeley, California, March 1998
<http://www.omced.org/om_nautilus.htm> (14 Feb. 03)

Mugabe, J. and G. W. Tumushabe (1998) The Earth Council: From Concept to Design: Creating an International Environmental Ombudsperson. Ecological Roots of Conflict in Eastern and Central Africa: Towards a Regional Ombudsperson John Mugabe and Godber W. Tumushabe – African Centre for Technology Studies Project Director: The Nautilus Institute for Security and Sustainable Development, Berkeley, California, March 1998.
<http://www.omced.org/om_nautilus.htm> (14 Feb. 03)

McKay, F. (1998) The Earth Council: From Concept to Design: Creating an International Environmental Ombudsperson: The Rights of Indigenous Peoples in International Law Fergus MacKay, Forest Peoples Programm. Legal And Normative References: Environmental Human Rights Michelle T. Leighton. Project Director: The Nautilus Institute for Security and Sustainable Development, Berkeley, California, March 1998.
<http://www.omced.org/om_nautilus.htm> (14 Feb. 03)

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XV. ANNUAL REPORTS

SEE THE ANNUAL REPORT PROJECT

XVI. CASE STUDIES
SEE THE CASE STUDY PROJECT

XVII. OMBUDSMAN PRIVELEGE/MEDIATOR PRIVELEGE/SHIELD LAW

Foxgate Homeowner's Assn. V. Bramalea California, Inc. (2001)26 Cal.4th 1 HREF="http://login.findlaw.com/scripts/callaw" (14 Feb. 03)

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<http://www.sbcadre.org/CADRe/rules/evid1115.htm> (14 Feb. 03)

XVIII. OMBUDSMAN DISCUSSIONS

(under development)

XIX. ALTERNATIVE DISPUTE RESOLUTION LINKS

York University Law Library
Alternative Dispute Resolution Links
Useful links categorized by Canada, United States, and Foreign
<http://library.osgoode.yorku.ca/linksadr.htm> (14 Feb. 03)

Full Text Articles on Campus Conflict Resolution Issues
<http://www.campus-adr.org/Main_Library/fulltextarticles.html> (14 Feb. 03)

A Guide to ADR Links
A Guide to ADR Links arranged by Deborah S. Laufer, Esq. Executive Director, Federal ADR Network.
Fabulous comprehensive resource! A MUST VISIT.

Guide is arranged by:
Bibliographies & Search Tools
Codes, Model Rules and Guidelines
Federal Resources
International Resources
Journals, Newsletters, Publishers
National Organizations
Resources and References
Roster of Neutrals
State Resources
University Programs
<http://www.lawmemo.com/emp/links/adr.htm> (14 Feb. 03)

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